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1998

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Rules of Governmental Agencies

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Illinois Institute of Technology

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Secretary of State

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printed on a quarterly basis. The printing schedule for the quarterly and
annual indexes are as follows:

April	19, 1996 - Issue 16: Through	March	31, 1996
July	19, 1996 - Issue 22: Through	June	30, 1996
October	18, 1996 - Issue 49: Through	September	30, 1996
January	17, 1997 - Issue 3: Through	December	31, 1996 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Uniform System of Accounts for Sewer Utilities
- 2) Code Citation: 83 Ill. Adm. Code 650
- 3) Section Numbers:
- | | |
|-------------|------------------|
| 650.10 | Proposed Action: |
| 650.100 | Amendment |
| 650.110 | Amendment |
| 650.115 | Amendment |
| 650.120 | Amendment |
| 650.133 | New Section |
| 650.140 | Amendment |
| 650.140 | Amendment |
| 650.165 | Amendment |
| 650.170 | Amendment |
| 650.175 | Amendment |
| 650.180 | Amendment |
| 650.185 | Amendment |
| 650.1030 | Amendment |
| 650.1080 | Repeal |
| 650.3330 | Repeal |
| 650.Table A | Amendment |
| 650.Table B | Amendment |

- 4) Statutory Authority: Implementing Section 5-102 and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/5-102 and 10-101).

- 5) A Complete Description of the Subjects and Issues Involved: The Commission has adopted 83 Ill. Adm. Code 650, "Uniform System of Accounts for Sewer Utilities", as its system of accounts for those sewer utilities under its jurisdiction. Part 650 incorporates by reference the Uniform System of Accounts (USOA) for Class A Sewer Utilities of the National Association of Regulatory Utility Commissioners (NARUC) with certain specified additions and deletions. The purpose in amending Part 650 is to adopt the 1996 NARUC USOA which will make the Uniform System of Accounts for Sewer Utilities available in an electronic format, to make one additional deviation from the NARUC USOA, and to make housekeeping changes.

- 6) Will these proposed amendments or replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government,

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

school districts, or community college districts.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)782-7434

Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the *Illinois Register*.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect those sewer utilities that are also small businesses as defined in the Illinois Administrative Procedure Act. This rulemaking will not affect any small municipalities or not-for-profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping

C) Types of professional skills necessary for compliance: Accounting skills

- 13) Regulatory Agenda on which this rulemaking was summarized: These amendments were not included on either of the two most recent agendas because: The Commission did not foresee the need for this.

The full text of the Proposed Amendments appears on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER e: WATER UTILITIES

PART 650

UNIFORM SYSTEM OF ACCOUNTS FOR SEWER UTILITIES

SUBPART A: ADOPTION OF UNIFORM SYSTEM OF ACCOUNTS BY REFERENCE

Section

650.10 Adoption of Uniform System of Accounts by Reference

SUBPART B: ADDITIONS TO AND DELETIONS FROM NARUC

UNIFORM SYSTEM OF ACCOUNTS

Section

650.100 Accounting Instruction 1

650.105 Accounting Instruction 2

650.110 Accounting Instruction 3

650.115 Accounting Instruction 18

650.120 Accounting Instruction 19

650.125 Accounting Instruction 21

650.130 Accounting Instruction 22

650.133 Accounting Instruction 26

650.135 Accounting Instruction 29

650.140 Accounting Instruction 30

650.144 Accounting Instruction 33

650.150 Accounting Instruction 34

650.155 Accounting Instruction 34 - Example

650.165 Accounting Instruction 37

650.170 Accounting Instruction 40 #B

650.175 Accounting Instruction 39

650.180 Plant Account Matrix

650.185 Expense Accounts Matrix

650.200 Retirement Units Generally

650.205 General Instructions with Respect to Structures and Equipment

650.210 Retirement Unit Instructions

650.206 List of General Retirement Units

650.210 Retirement Units

650.351 Retirement Unit Account 351 Organization

650.352 Retirement Unit Account 352 Franchising

650.353 Retirement Unit Account 353 Land and Land Rights

650.354 Retirement Unit Account 354 Structures and Improvements

650.360 Retirement Unit Account 360 Collection Sewers - Force

650.361 Retirement Unit Account 361 Collection Sewers - Gravity

650.362 Retirement Unit Account 362 Special Collecting Structures

650.363 Retirement Unit Account 363 Service to Customers

650.364 Retirement Unit Account 364 Flow Measuring Devices

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Retirement Unit Account 365 Flow Measuring Installation

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Retirement Unit Account 370 Receiving Wells

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Retirement Unit Account 371 Pumping Equipment

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Retirement Unit Account 380 Treatment and Disposal Equipment

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Retirement Unit Account 389 Other Plant and Miscellaneous Equipment

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Retirement Unit Account 391 Transportation Equipment

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Retirement Unit Account 393 Tools, Shop and Garage Equipment

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Retirement Unit Account 395 Power Operated Equipment

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Retirement Unit Account 396 Communication Equipment

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Retirement Unit Account 398 Other Tangible Property

650.1030

Account 103

650.1080 Account 108 (Repealed)

650.1081 Account 108.1

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650.2710 Account 271

650.2720 Account 272

650.2830 Account 283

650.3330 Account 333 (Repealed)

650.4030 Account 403

650.4120 Account 412

650.4200 Account 420

650.4330 Account 433

650.4430 Account 443

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650.7600 Account 760

650.7600 Account 760

650.7600 Account 760

650.7600 Account 760

TABLE A
Prescribed Plant Account Matrix
TABLE B
Prescribed Expenses Accounts Matrix

AUTHORITY: Implementing Section 5-102 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102 and 10-101].

SOURCE: Adopted at 11 Ill. Reg. 6994, effective May 1, 1987; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: ADOPTION OF UNIFORM SYSTEM OF ACCOUNTS BY REFERENCE

Section 650.10 Adoption of Uniform System of Accounts by Reference

The Illinois Commerce Commission ("Commission") adopts the Uniform System of Accounts for Class A Wastewater Sewer Utilities [1996] (1994) of the National

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

Association of Regulatory Utility Commissioners ("NARUC") as its uniform system of accounts for sewer utilities, subject to the exceptions set forth in Subpart B of this Part. No incorporation in this Part incorporates any later amendment or edition.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART B: ADDITIONS TO AND DELETIONS FROM NARUC
UNIFORM SYSTEM OF ACCOUNTS

Section 650.100 Accounting Instruction 1

Accounting Instruction 1, "General - Classification of Utilities," is deleted and replaced by the following:

"A. For the purpose of applying the system of accounts prescribed by the Commission, sewer utilities are divided into two classes, as follows:

Class A - Utilities having annual sewer operating revenues of \$1,000,000 or more.

Class B - Utilities having annual sewer operating revenues of less than \$1,000,000.

B. This system of accounts applies to Class A utilities. Class B utilities shall keep all the accounts of this system of accounts applicable to their affairs. Class B utilities may, however, keep accounts for operating revenues and operating expenses under the accounts of the condensed classifications provided by this Part. (See Accounting Instruction 40.34.)

C. The class to which any utility belongs shall originally be determined by the average of its annual sewer operating revenue for the last three consecutive years. Subsequent changes in classification shall be made when the annual sewer operating revenues for each of the three immediately preceding years shall exceed \$1,000,000 on a stand alone basis of the annual water and sewer operating revenues.

D. Class B utilities desiring more detailed accounting may adopt the accounts prescribed for Class A utilities. Class B utilities are not required to comply with more detailed accounts than what otherwise may be either case."

E. The term "wastewater" and "sewer" refer to the same utility service and can be used interchangeably within this system of accounts."

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 650.115 Accounting Instruction 18

a) In paragraph A of Accounting Instruction 18, "Utility Plant" shall be recorded at cost. The phrase "See Accounting Instruction 22a" is replaced by "See Definition 3a."

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NOTICE OF PROPOSED AMENDMENTS

b) In paragraph D of Accounting Instruction 18, the clause "For contributed utility plant, the accumulated depreciation or amortization account shall be charged" is replaced by "For contributed utility plant, the accumulated depreciation or amortization account shall be credited."

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 650.120 Accounting Instruction 19

a) The Note in Item 3 of Accounting Instruction 19, Utility Plant - Components of Construction Cost, is revised to state:

"Note: -- The cost of individual items of equipment of small value or of short life, including portable tools and implements, shall not be charged to utility plant accounts unless the correctness of the accounting therefor is verified by current inventories. The cost shall be charged to the appropriate operating expense or clearing accounts, according to the use of such items, or, if such items are consumed directly in construction work, the cost shall be included as part of the cost of the construction unit."

b) In Accounting Instruction 19, "Utility Plant - Components of Construction Cost," Item 17 is deleted (except for the note) and replaced with the following:

"Allowance for funds used during construction" ('AFUDC') includes the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate on other funds when so used, not to exceed allowances computed in accordance with the formula prescribed in paragraph (a). No AFUDC charges shall be included in these accounts upon expenditures for construction projects that have been abandoned.

c) The formula and elements for the computation of AFUDC shall be:

$A(i) = s(S/W) + d(D/DP+C)(1-S/W)$

$A(i) = [1-S/W][p(P/DP+C) + c(C/DP+C)]$

A(i) = Gross allowance for borrowed funds used during construction rate

A(e) = Allowance for other funds used during construction rate

S = Average short-term debt

s = Short-term debt interest rate

D = Long-term debt

d = Long-term debt interest rate

P = Preferred stock

p = Preferred stock cost rate

C = Common equity

w = Average balance in construction work in progress

d) The rates shall be determined annually except that the rates may be adjusted for current year security issues which affect the weighted average of long-term debt and/or preferred stock or when the return on

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NOTICE OF PROPOSED AMENDMENTS

equity awarded a current rate case exceeds the computational return on equity. The balances for long-term debt, preferred stock, and common equity shall be the actual book balances as of the end of the prior year. The cost rates for long-term debt and preferred stock shall be the weighted average cost. The cost rate for common equity shall be the rate granted common equity in the last rate proceeding before the Commission. If such cost rate is not available, the average rate actually earned during the preceding three years shall be used. The short-term debt balances and related cost and the average balance for construction work in progress shall be estimated for the current year with appropriate adjustments as actual data become available."

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 650.133 Accounting Instruction 26

Paragraph B of Accounting Instruction 26 is modified to state as follows:

"Exclude from equipment accounts hand and other portable tools, which are likely to be lost or stolen or which have a relatively small value or short life, unless the correctness of the accounting therefor as utility plant is verified by current inventories. Special tools acquired and included in the purchase price of equipment shall be included in the appropriate plant account. Portable drills and similar tool equipment when used in connection with the operation and maintenance of a particular plant or department, such as pumping, transmission and distribution, etc., or in "stores", shall be charged to the plant account appropriate for their use."

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 650.140 Accounting Instruction 30

Paragraph C of Accounting Instruction 30, "Utility Plant - Common Plant," should be restated as follows: ~~delete "1951-to-1993" and replace with "1951-to-1993"~~

"The utility shall be prepared to show at any time by utility plant accounts (351 to 398) the following:
a) the book cost of common utility plant,
b) the allocation of such cost to the respective departments using the common utility plant, and
c) the basis of the allocation."

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 650.165 Accounting Instruction 37

From Paragraph A of Accounting Instruction 37, "Operating Income-Operation and Maintenance Expense - Account Matrix," delete "and B" in the first sentence and "[page 138]" in the second sentence.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 650.170 Accounting Instruction 40 38

a) Class A Utilities shall maintain the accounts listed in subsections (a)(1) through (a)(8) of this Section.

- 1) Utility Operating Accounts
Account No.
 - 400 Operating Revenues
 - 401 Operating Expenses
 - 403 Depreciation Expenses
 - 406 Amortization of Utility Plant
 - Acquisition Adjustments
 - 407 Amortization Expense
 - 407.1 Amortization of Limited Term Plant
 - 407.2 Amortization of Property Losses
 - 407.3 Amortization of Other Utility Plant
 - 407.4 Amortization of Regulatory Assets
 - 407.5 Amortization of Regulatory Liabilities
 - 408 Taxes Other Than Income
 - 408.10 Utility Regulatory Assessment Fees
 - 408.11 Property Taxes
 - 408.12 Payroll Taxes
 - 408.13 Other Taxes and License
 - 409 Income Taxes
 - 409.10 Federal Income Taxes, Utility
 - 409.11 Operating Income
 - 409.12 State Income Taxes, Utility
 - Operating Income
 - Local Income Taxes, Utility
 - Operating Income
 - Provision for Deferred Income Taxes
 - 410 Deferred Federal Income Taxes
 - 410.11 Deferred State Income Taxes
 - 410.12 Deferred Local Income Taxes
 - 411 Provision for Deferred Income Taxes
 - Credit
 - 411.10 Provision for Deferred Income Taxes
 - Credit, Utility Operating Income
 - 412 Investment Tax Credits
 - 412.10 Investment Tax Credits Deferred to

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

412.11	Future Periods, Utility Operations
413	Investment Tax Credits Restored to Operating Income, Utility Operations
414	Income From Utility Plant Leased to Others
414	Gains (Losses) From Disposition of Utility Property
2)	Other Income and Deductions
415	Revenues From Merchandising, Jobbing and Contract Work
416	Costs and Expenses of Merchandising, Jobbing and Contract Work
419	Interest and Dividend Income
420	Allowance for Funds Used During Construction
421	Nonutility Income
426	Miscellaneous Nonutility Expenses
3)	Taxes Applicable to Other Income and Deductions
408	Taxes Other Than Income
408.20	Taxes Other Than Income, Other
409	Income and Deductions
409	Income Taxes
409.20	Income Taxes, Other Income and Deductions
410	Provision for Deferred Income Taxes
410.20	Provision for Deferred Income Taxes
411	Other Income and Deductions
411	Provision for Deferred Income Taxes - Credit
411.20	Provision for Deferred Income Taxes - Credit, Other Income and Deductions
412	Investment Tax Credits
412.20	Investment Tax Credits - Net, Nonutility Operations
412.30	Investment Tax Credits Restored to Nonoperating Income, Utility Operations
4)	Interest Expense
427	Interest Expense
427.1	Interest on Debt to Affiliated Interests
427.2	Interest on Short-Term Debt
427.3	Interest on Long-Term Debt
427.4	Interest on Customer Deposits
427.5	Interest - Other
428	Amortization of Debt Discount and Expense

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NOTICE OF PROPOSED AMENDMENTS

429	Amortization of Premium on Debt
5)	Extraordinary Items
433	Extraordinary Income
434	Extraordinary Deduction
434	Income Taxes, Extraordinary Items
409.30	Retained Earnings Accounts
6)	Balance Transferred From Income
435	Appropriations of Retained Earnings
436	Dividends Declared - Preferred Stock
437	Dividends Declared - Common Stock
438	Adjustments to Retained Earnings
439	Sewer Operation Revenue Accounts
7)	Sewer Revenues
521	Flat Rate Revenues---General
521.1	Customer
521.2	Residential Revenues
521.3	Commercial Revenues
521.4	Industrial Revenues
521.4	Revenues from Public Authorities
521.5	Multiple Family Dwelling
521.5	Revenues
521.6	Other Revenues
522	Measured Revenues---General
522.1	Customer
522.1	Residential Revenues
522.2	Commercial Revenues
522.3	Industrial Revenues
522.4	Revenues from Public Authorities
522.5	Multiple Family Dwelling
522.5	Revenues
523	Revenues from Public Authorities
524	Revenues from Other Systems
525	Interdepartmental Revenues
B)	Other Sewer Revenues
530	Guaranteed Revenues
531	Sale of Sludge
532	Forfeited Discounts
534	Rents from Sewer Property
535	Interdepartmental Rents
536	Other Sewer Revenues
C)	Reclaimed Water Sales
540	Flat Rate Reuse Revenues
540.1	Residential Reuse Revenues
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540.3	Industrial Reuse Revenues
540.4	Reuse Revenues from Public Authorities

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540.5	Other Revenues
541	Measured Reuse Revenues
541.1	Residential Reuse Revenue
541.2	Commercial Reuse Revenue
541.3	Industrial Reuse Revenue
541.4	Reuse Revenues from Public Utilities
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701	Salaries and wages - Employees
703	Salaries and wages - Officers, Directors and Majority Stockholders
704	Employee Pensions and Benefits
710	Purchased Sewage Treatment
711	Sludge Removal Expense
715	Purchased Power
716	Fuel for Power Production
718	Chemicals
720	Materials and Supplies
731	Contractual Services - Engineering
732	Contractual Services - Accounting
733	Contractual Services - Legal
734	Contractual Services - Management
	Fees
735	Contractual Services - Testing Other
736	Contractual Services - Other
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742	Rental of Equipment
743	Transportation Expense
749	Rental of Equipment
756	Insurance - Vehicle
757	Insurance - General Liability
758	Insurance - Workman's Compensation
759	Insurance - Other
760	Advertising Expense
766	Regulatory Commission Expenses -
	Amortization of Rate Case Expense
767	Regulatory Commission Expenses -
	Other
770	Bad Debt - Expense
775	Miscellaneous Expenses
b)	Class B utilities shall maintain the accounts listed in subsections (b)(1) through (b)(8) of this Section.
1)	Utility Operating Accounts
	Account No.
400	Operating Revenues
401	Operating Expenses
403	Depreciation Expenses
406	Amortization of Utility Plant

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

	Acquisition Adjustments
407	Amortization Expense
407.1	Amortization of Limited Term Plant
407.2	Amortization of Property Losses
407.3	Amortization of Other Utility Plant
407.4	Amortization of Regulatory Assets
407.5	Amortization of Regulatory Liabilities
408	Taxes Other Than Income
409	Income Taxes
410	Provision for Deferred Income Taxes
411	Provision for Deferred Income Taxes - Credit
412	Investment Tax Credits
413	Income From Utility Plant Leased to Others
414	Gains (Losses) From Disposition of Utility Property
2)	Other Income and Deductions
415	Revenues from Merchandising, Jobbing and Contract Work
416	Costs and Expenses of Merchandising, Jobbing and Contract Work
419	Interest and Dividend Income
420	Allowance for Funds Used During Construction
421	Nonutility Income
426	Miscellaneous Nonutility Expenses
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428	Amortization of Debt Discount and Expense
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5)	Extraordinary Items
433	Extraordinary Income
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409.30	Income Taxes, Extraordinary Items
6)	Retained Earnings Accounts
435	Balance Transferred From Income
436	Appropriations of Retained Earnings
437	Dividends Declared - Preferred Stock
438	Dividends Declared - Common Stock

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439 Adjustments to Retained Earnings

7) Sewer Operation Revenue Accounts

A) Sewer Revenue

521 Flat Rate Revenue - General

522 Customer Revenues - General

523 Customer Revenues from Public

524 Authorities

525 Revenues from Other Systems

526 Interdepartmental Revenues

B) Other Sewer Revenues

527 Submerged Revenues

528 Sales of Sludge

529 Forfeited Discounts

530 Rents from Sewer Property

531 Interdepartmental Rents

532 Other Sewer Revenues

C) Reclaimed Water Sales

540 Flat Rate Reuse Revenues

541 Measured Reuse Revenues

542 Reuse Revenues from Other Systems

8) Sewer Operation and Maintenance Expense Accounts

701 Salaries and Wages

702 Employee Pensions and Benefits

703 Purchased Sewage Treatment

704 Sludge Removal Expense

705 Purchased Power

706 Fuel for Power Production

707 Chemicals

708 Materials and Supplies

709 Contractual Services

710 Rental of Building/Real Property

711 Rental of Equipment

712 Transportation Expense

713 Insurance

714 Advertising Expense

715 Regulatory Commission Expense

716 Bad Debt Expense

717 Miscellaneous Expenses

775

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 650.175 Accounting Instruction 39

Add the following material as Accounting Instruction 39, "Transition Rules - Contribution in Aid of Construction":

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"A. The transition rules are to govern the accounting for Contributions in Aid of Construction. They are based on the premise that the integrity of the 'Contribution' account was preserved during the period encompassed by the Commission's ratemaking policy of allowance of depreciation expense as a recoverable operation expense on property which was the contra to the 'Contribution' account."

B. The rules provide for recording the impairment of the 'Contribution' account which occurred subsequent to the change in Commission policy of disallowance of depreciation expense on 'Contributed Property' for ratemaking purposes."

1. Subsidiary records will be maintained for Account 271, "Contributions in Aid of Construction," and Account 272, "Accumulated Amortization of Contributions in Aid of Construction." Accounts of Account 271 shall segregate the Contributions in Aid of Construction recorded prior to the change in ratemaking policy from amounts recorded subsequent thereto.
- The subsidiary accounts of Account 272 shall be maintained to provide a segregation of the accumulated amortization charges which relate to or correlate to the 'Contribution' segregated balances.
- The 'pre' and 'post' segregation categories will coincide with the effective date of the first definitive Commission order applicable to the subject utility which applies the ratemaking disallowance policy.
2. Utilities that discontinued recording depreciation expense in their books of account subsequent to its disallowance for ratemaking purposes shall record the impairment of the 'Contribution' account for the period from date of disallowance to December 31, 1986 by debit Account 272, 'Accumulated Amortization of Contributions in Aid of Construction' and credit to the appropriate subaccount of Account 108, 'Accumulated Depreciation.'
3. Utilities that continued to record depreciation expense in their books of account subsequent to its disallowance for ratemaking shall record the impairment of the 'Contribution' account by debit to Account 272, 'Accumulated Amortization of Contributions in Aid of Construction' and credit to Account 439, 'Adjustments to Retained Earnings.' It shall cover the period from date of disallowance to December 31, 1986.
4. The amortization of the 'Pre' disallowance balance of Account 271 shall continue until it is fully amortized at which time it shall be written off against its related Account 272 balance.
5. Within six months of the effective date of this System of

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Accounts (83 Ill. Adm. Code 650), each utility shall submit its proposed journal entries for recording the implementation of the transition to the Director of Accounting Chief Accountant of the Commission to determine whether the utility has complied with Accounting Instruction 39.

6. Should an impairment of the 'Contribution' account have occurred prior to the period covered by the transition rules in this Accounting Instruction, the utility shall submit its proposed journal entries to record such impairment accompanied by a complete explanation to the Director of Accounting Chief Accountant for acceptance and approval. The Director of Accounting Chief Accountant shall accept and approve the journal entries if an impairment has occurred and if the entries reflect the level of impairment."

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 650.180 Plant Account Matrix

Delete the Account Matrix appearing on pages 94 and 95 of the NARUC Uniform System of Accounts and replace it with the material in TABLE A.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 650.185 Expense Accounts Matrix

Delete the Sewer Operation and Maintenance Expense Accounts Matrix appearing on pages 132 and 133 of the NARUC Uniform System of Accounts and replace it with the material in TABLE B.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 650.1030 Account 103

In Account 103, "Property Held for Future Use," add "Director of Accounting Chief Accountant of the" before "Commission" in Paragraph B.

Section 650.1080 Account 108 (Repealed)

In Account 1087 "Accumulated Depreciation" the following material is added to Paragraph B:

Note: Not later than nine months after the effective date of this system of accounts, the effective date of this Party each utility shall submit to the Chief Accountant of the Commission the method used

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in the segregation of the composite accumulated depreciation into the prescribed functional categories. A narrative statement and applicable journal entries shall accompany the submission describing the methodology pursued so that a ready analysis of the segregation may be made. The narrative statement will be analyzed to determine whether the proposed segregation complies with the requirements of Account 1087.

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 650.3330 Account 333 (Repealed)

In Paragraph C of Account 333, "Services," delete the clause and, in any event, shall be retired by the end of the second year following that during which the service became inactive unless reused in the interim."

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

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Section 650. TABLE A Prescribed Plant Account Matrix

SEWER UTILITY PLANT ACCOUNTS

	1	2	3	4	5	6	7
	Intangible Plant	Collection Plant	System Pumping Plant	Treatment Disposal Plant	Reclaimed Water Treatment Plant	Distribution Plant	General Plant
351 Organization	351.1						
352 Franchises	352.1						
353 Land and Rights		353.2	353.3	353.5		353.6	353.7
354 Structures and Improvements		354.2	354.3	354.4	354.5	354.6	354.7
355 Equipment		355.2	355.3	355.4	355.5	355.6	
360 Collection Sewers - Force		360.2					
361 Collection Sewers - Special		361.2					
362 Special Collecting Structures		362.2					
363 Services to Customers		363.2					
364 Flow Measuring Devices		364.2					
365 Flow Measuring Installation		365.2				366.6	
366 Sewer Structures and Reuse Meters and Meter Installation						367.6	
370 Pumping Equipment			370.3			371.6	
371 Receiving Wells			371.3		371.5		
374 Sewer Distribution Reservoirs					374.5		
375 Roadway Transmission & Distribution Systems							
380 Treatment and Disposal Equipment				480.4	380.5	375.6	
381 Plant Sewers				381.4	381.5		
389 Other Plant and Misc. Equipment	389.1	389.2	389.3	389.4	389.5	389.6	389.7
390 Equipment							
391 Transportation Equipment				491.5	491.6	390	
392 Equipment				492.5	492.6	391.2	
393 Tools, Shop and Equipment				493.5	493.6	392.7	
394 Laboratory Equipment				494.5	494.6	393.7	
395 Power Operated Equipment				495.5	495.6	394.7	

(Source: Amended at 22 Ill. Reg. _____ effective _____)

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396 Communication Equipment	396.5
397 Misc. Equipment	397.5
398 Other Tangible Plant	398.5

396.7
397.7
398.7

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Section 650.TABLE B Prescribed Expenses Accounts Matrix

SEWER OPERATION AND MAINTENANCE EXPENSE ACCOUNTS

	1	2	3	4	5	6		701					
	Collection Expenses - Other	Collection Expenses - Maint	Pumping Expenses - Other	Pumping Expenses - Maint	Treatment & Disposal Expenses - Other	Treatment & Disposal Expenses - Maint		Salaries and Wages - Employees					
701 Salaries and Wages - Employees	701.1	701.2	701.3	701.4	701.5	701.6		701					
703 Salaries and Wages - Officers and Majority Stockholders								703					
704 Employee Pensions and Benefits								704					
710 Purchase Sewage Treatment								710					
711 Sludge Removal Treatment								711					
715 Purchased Power								715					
716 Fuel for Power Production								716					
718 Chemicals								718					
720 Materials and Supplies								720					
731 Engineering								731					
732 Contractual Services - Accounting								732					
733 Contractual Services - Legal								733					
734 Management Fees								734					
735 Insurance - Vehicle								735					
736 Insurance - General Liability								736					
741 Rental of Building								741					
742 Rental of Equipment								742					
750 Insurance - Vehicle								750					
757 Insurance - General Liability								757					
758 Insurance - Workers' Compensation								758					
759 Advertising Expense								759					
760 Regulatory Commissions - Amortization of Rate Case								760					
767 Regulatory Commission Expenses - Other								767					
770 Bad Debt Expense								770					
775 Miscellaneous Expense								775					

(Source: Amended at 22 Ill. Reg. _____, effective _____)

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Fees For Processing Requests For Conviction Information

2) Code Citation: 20 Ill. Adm. Code 1570

3) Section Numbers:
1570.50
Proposed Action:
Amendment

4) Statutory Authority: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930] and the Illinois Uniform Conviction Information Act [20 ILCS 2635].

5) A Complete Description of the Subjects and Issues Involved: Increases the fee that criminal justice agencies other than the Illinois State Police may charge for assisting in the processing of requests for conviction information made pursuant to the Illinois Uniform Conviction Information Act.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These rules do not require local criminal justice agencies to assist in the processing of requests for conviction information and are therefore not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rules may be submitted in writing for a period of 45 days following publication of this notice to:

Robert P. Boehmer, General Counsel
Illinois Criminal Justice Information Authority
120 S. Riverside Plaza
Chicago, IL 60606-3997
312/793-6550

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses and not for profit corporations may be affected by the rule in that they may request local criminal justice agencies to assist them with requests for

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conviction information under the Illinois Uniform Conviction Information Act.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the proposed amendments is identical to the text of the emergency amendments appearing in this Register on page 75.

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- 1) **Heading of the Part:** Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories

- 2) **Code Citation:** 35 Ill. Adm. Code 183

3) **Section Numbers:** **Proposed Action:**

183.105 Repeal
 183.110 Repeal
 183.115 Repeal
 183.120 Repeal
 183.125 Repeal
 183.130 Repeal
 183.131 Repeal
 183.132 Repeal
 183.133 Repeal
 183.134 Repeal
 183.135 Repeal
 183.140 Repeal
 183.145 Repeal
 183.150 Repeal
 183.155 Repeal
 183.160 Repeal
 183.165 Repeal
 183.170 Repeal
 183.205 Repeal
 183.210 Repeal
 183.215 Repeal
 183.220 Repeal
 183.225 Repeal
 183.230 Repeal
 183.231 Repeal
 183.235 Repeal
 183.240 Repeal
 183.245 Repeal
 183.250 Repeal

- 4) **Statutory Authority:** Section 1401(1)(d) of the Safe Drinking Water Act (42 U.S.C. 300f(1)(D)), Subpart C of the National Primary Drinking Water Regulations (40 CFR 141.21 through 141.30 (1991)), the Illinois Environmental Protection Act [415 ILCS 5] and the Civil Administrative Code of Illinois [20 ILCS 5].

- 5) **A Complete Description of the Subjects and Issues Involved:** This joint rulemaking will repeal the joint rules for certification of environmental laboratories. All agencies have found that placing these regulations in 3 separate Parts will facilitate their timely amendment and will serve the

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- affected public better in the future. To this end, all 3 agencies will propose and adopt separate rulemakings for certification and operation of environmental laboratories prior to the adoption of this proposed repealer for Part 183.

- 6) **Will this rulemaking replace any emergency rulemaking currently in effect?**
 No

- 7) **Does this rulemaking contain an automatic repeal date?** No

- 8) **Does this rulemaking contain incorporations by reference?** Yes

- 9) **Are there any other proposed rulemakings pending on this Part?** Yes

Section Numbers	Proposed Action	Illinois Register Citation
183.115	Amendment	21 Ill. Reg. 6948
183.120	Amendment	21 Ill. Reg. 6948
183.150	Amendment	21 Ill. Reg. 6948
183.205	Repeal	21 Ill. Reg. 6948
183.210	Repeal	21 Ill. Reg. 6948
183.215	Repeal	21 Ill. Reg. 6948
183.220	Repeal	21 Ill. Reg. 6948
183.225	Repeal	21 Ill. Reg. 6948
183.230	Repeal	21 Ill. Reg. 6948
183.231	Repeal	21 Ill. Reg. 6948
183.235	Repeal	21 Ill. Reg. 6948
183.240	Repeal	21 Ill. Reg. 6948
183.245	Repeal	21 Ill. Reg. 6948
183.250	Repeal	21 Ill. Reg. 6948
183.255	Repeal	21 Ill. Reg. 6948
183.Appendix A	Repeal	21 Ill. Reg. 6948
183.Appendix B	Repeal	21 Ill. Reg. 6948

- 10) **Statement of Statewide Policy Objectives:** This repealer will not require new or additional expenditures on the part of units of local government.

- 11) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:** Interested persons may present their comments in writing within 45 days after this issue of the *Illinois Register* to:

James Shaw, Manager
 Laboratory Accreditation
 Quality Assurance Section
 Division of Laboratories
 Illinois Environmental Protection Agency
 2200 Churchill Rd.
 P.O. Box 19276

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Springfield, IL 62794-9276

217/782-6455

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not for profit corporations affected: Environmental laboratories involved in chemical analyses of water samples from public water supplies and their sources.

B) Reporting, bookkeeping or other procedures required for compliance: Procedures previously required under this Part are being repealed.

C) Types of professional skills necessary for compliance: Compliance with this Part is being repealed.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: Final plans by all 3 agencies for adoption of separate Parts had not been finalized.

The full text of the Proposed Repealer begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE A: GENERAL PROVISIONS

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 183

JOINT RULES OF THE ILLINOIS ENVIRONMENTAL

PROTECTION AGENCY, THE ILLINOIS

DEPARTMENT OF PUBLIC HEALTH AND THE ILLINOIS DEPARTMENT OF NUCLEAR SAFETY:

CERTIFICATION AND OPERATION OF

ENVIRONMENTAL LABORATORIES (REPEALED)

SUBPART A: GENERAL PROVISIONS

Section	
183.105	Authority
183.110	Scope and Applicability
183.115	Definitions
183.120	Division of Authority
183.125	Certification Procedure
183.130	Conditions Governing the Use of Certificates
183.131	Provisional Certification
183.132	Preliminary Certification
183.133	Changes in Ownership or Operations
183.134	Revocation of Certification
183.135	Subcontracting by Certified Laboratories
183.140	Performance Evaluation Samples
183.145	Authority of Certification Officers
183.150	Hearing, Decision and Appeal
183.155	Liability
183.160	Reciprocity Agreements
183.165	Reporting (Repealed)
183.170	Public Inspection of Records (Repealed)

SUBPART B: CHEMICAL ANALYSES OF PUBLIC
WATER SUPPLY SAMPLES

Section	
183.205	Scope and Applicability
183.210	Personnel Requirements
183.215	Laboratory Facilities
183.220	Laboratory Equipment
183.225	General Laboratory Practices
183.230	Methodology and Required Equipment
183.231	Alternate Analytical Techniques
183.235	Sample Collection, Handling and Preservation
183.240	Quality Control
183.245	Record Maintenance
183.250	Free Chlorine Residual and Turbidity

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183.255 Action Response to Laboratory Results

SUBPART C: MICROBIOLOGICAL ANALYSES OF
PUBLIC WATER SUPPLY SAMPLES

Section

183.305 Scope and Applicability
183.310 Personnel Requirements
183.315 Laboratory Facilities
183.320 Laboratory Equipment
183.325 Laboratory Glassware, Plastic Ware and Metal Utensils
183.330 General Laboratory Practices
183.335 Methodology
183.340 Sample Collection, Handling and Preservation
183.345 Standards for Laboratory Pure Water
183.350 General Quality Control Procedures
183.355 Quality Controls for Media, Equipment and Supplies
183.360 Data Handling
183.365 Record Maintenance
183.370 Action Response to Laboratory Results

SUBPART D: RADIOCHEMICAL ANALYSES OF PUBLIC
WATER SUPPLY SAMPLES

Section

183.405 Scope and Applicability
183.406 Length of Certification for Radiochemical Laboratories
183.410 Personnel Requirements
183.415 Laboratory Facilities
183.420 Laboratory Equipment and Instrumentation
183.425 General Laboratory Practices
183.430 Analytical Methodology
183.435 Sample Collection, Handling and Preservation
183.440 Quality Assurance
183.445 Record Maintenance
183.450 Action Response to Laboratory Results

APPENDIX A

Methodology and Required Equipment for Inorganic Chemical

APPENDIX B

Analysis of Public Water Supply Samples
Methodology and Required Equipment for Regulated Organic
Chemical Analyses of Public Water Supply Samples

AUTHORITY: Implementing Section 140(1)(d) of the Safe Drinking Water Act (42 U.S.C. 300f(1)(D)), Subpart C of the National Primary Drinking Water Regulations (40 CFR 141.21 through 141.30 (1991)), the Illinois Environmental Protection Act (415 ILCS 5) and the Civil Administrative Code of Illinois (20 ILCS 5) and authorized by Sections 4(c) and (p) of the Illinois Environmental Protection Act (415 ILCS 5/4(c) and (p)) and Sections 55.10 through 55.12 and

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Section 71 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.10 through 55.12 and 20 ILCS 2005/71(D)].

SOURCE: Adopted at 3 Ill. Reg. 34, p. 103, effective August 19, 1979; codified at 6 Ill. Reg. 14657; amended at 7 Ill. Reg. 13523, effective September 28, 1983; amended at 14 Ill. Reg. 8592, effective May 16, 1990; amended at 17 Ill. Reg. 12319, effective July 14, 1993; amended at 20 Ill. Reg. 3160, effective February 5, 1996; part repealed at 22 Ill. Reg. _____, effective _____.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL PROVISIONS

Section 183.105 Authority

Pursuant to the authority contained in Ill. Rev. Stat. 1991, ch. 127, pars. 55.10 through 55.12, and 63b17 [20 ILCS 2310/55.10 through 55.12 and 20 ILCS 2005/71(D)] which authorizes the Illinois Department of Public Health to establish and enforce minimum standards, and establish certification procedures for laboratories making examinations in connection with the diagnosis of disease or tests for the evaluation of health hazards, and also to enter into contracts with other public agencies for the exchange of health services which may benefit the health of the people; and pursuant to the authority contained in Section 4 (c) and (p) of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1004 (c) and (p)) [415 ILCS 5/4(c) and (p)], which authorizes the Illinois Environmental Protection Agency to "establish and enforce minimum standards for the operation of laboratories relating to analyses and laboratory tests for air pollution, water pollution, noise emissions, contaminant discharges onto land and sanitary, chemical, and mineral quality of water distributed by a public water supply", and to "issue certificates of competency to persons and laboratories meeting the minimum standards established by the Agency...and to promulgate and enforce regulations relevant to the issuance and use of such certificates", and to "enter into formal working agreements with other departments or agencies of state government under which all or portions of this authority may be delegated to the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety jointly adopt the following rules and regulations.

Section 183.110 Scope and Applicability

- a) This Subpart A establishes general provisions applicable to the certification program for environmental laboratories administered under this Part.
- b) Nothing in this Part shall prevent uncertified laboratories from performing any quality control or other tests when the state has not

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- c) required such tests to be performed by a certified laboratory. Unless the contrary is clearly indicated, all references to "Sections" in this Part are to Ill. Adm. Code, Title 35, Environmental Protection. For example, "Section 183.230" is 35 Ill. Adm. Code 183.230.

Section 183.115 Definitions

For purposes of this Part unless otherwise specifically defined or the context clearly requires a different meaning:

"Act" means Section 4(o) and (p) of the Environmental Protection Act [415 ILCS 5/4(o) and (p)].

"Agency" means the Illinois Environmental Protection Agency, the Illinois Department of Public Health, or the Illinois Department of Nuclear Safety, whichever is applicable based on the division of authority specified in Section 183.120.

"Analyst" means any person who performs analyses for certain or all parameters on samples submitted to the environmental laboratory and who meets the qualifications set forth in the applicable Subpart of this Part.

"Certification" means a status of approval granted to an environmental laboratory that meets the criteria established by this Part or in accordance with a reciprocity agreement entered into pursuant to Section 183.160. Certification is not a guarantee of the validity of the data generated.

"Certification officer" means any person who is designated by the Agency to inspect and evaluate environmental laboratories for compliance in meeting the criteria set forth in this Part. Certification officers shall meet the educational and experience qualifications for laboratory directors as set forth in Subparts B and D or laboratory supervisors as set forth in Subpart C.

"Consultant" means a person who is retained by a written agreement to provide professional consultation services.

"Deficiency" means a failure of an environmental laboratory to meet any applicable requirement of this Part.

"Environmental Laboratory" means any facility that performs analyses on environmental samples in order to determine the quality of food, milk, public water supplies, surface water, ground water, recreational waters, wastewater, air, or land.

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"Laboratory Director" means the person who is responsible for the operation of an environmental laboratory and who meets the qualifications set forth in the applicable Subpart of this Part.

"Laboratory Pure Water" means water meeting the standards set forth in Section 183.345.

"Laboratory Supervisor" means a person who supervises the performance of the analytical procedures within an environmental laboratory and who meets the qualifications set forth in the applicable Subpart of this Part.

"Major remodeling" means any remodeling of the laboratory facility which requires the acquisition of a local building permit.

"Parameter" means a chemical element, chemical compound, radioisotope or microbiological organism.

"Performance Evaluation Sample" (PES) means a sample used to determine accuracy, prepared either by the certifying agency or an authority recognized by the certifying agency, in which the true value and acceptance limits are unknown to the laboratory at the time of analysis.

"Provisional Certification" means a certification status granted to an environmental laboratory in order to allow time for the correction of a deficiency. Failure to correct a deficiency during the provisional certification period allows the Agency to revoke certification as specified in Section 183.134. While on provisional certification, an environmental laboratory remains approved for the analyses covered by its certification.

"Public Water Supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year.

"Senior Analyst" means a person who performs analyses on samples submitted to the environmental laboratory and who meets the qualifications set forth in the applicable Section of this Part.

Section 183.120 Division of Authority

- a) The Illinois Environmental Protection Agency shall administer this

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Part with respect to the analysis of organic and inorganic chemical parameters.

- b) The Illinois Department of Public Health shall administer this Part with respect to the analysis of microbiological parameters.
- c) The Illinois Department of Nuclear Safety shall administer this Part with respect to the analysis of radiological parameters.

Section 183.125 Certification Procedure

a) An environmental laboratory that meets or exceeds the minimum criteria for certification may receive certification from the Agency for any inorganic or organic, microbiological, or radiological parameter for which a methodology has been specified in this Part or for which an alternative methodology has been approved in accordance with the provisions of this Part.

b) The operational aspects of an environmental laboratory that will be evaluated in considering a request for certification are:

- 1) laboratory facilities,
- 2) personnel,
- 3) methodology and instrumentation,
- 4) data handling, and
- 5) quality assurance program.

c) In seeking certification, the petitioning environmental laboratory shall:

- 1) Submit a formal request for certification to the Agency;
- 2) File with the Agency on the applicable administrative questionnaires furnished by the Agency, if available, or otherwise in a form approved by the Agency providing complete information on the five categories listed in subsection (b) above;

3) Analyze all performance evaluation samples required in accordance with the applicable Sections of this Part and report the results of such analyses to the Agency; and

- 4) Permit and cooperate in an on-site visit by Agency authorized certification officers. Certification officers shall provide the environmental laboratory with official identification and credentials. The initial visit will be arranged at the mutual convenience of both parties. The Agency reserves the right to make subsequent visits without prior notice during regular working hours.

d) An environmental laboratory seeking certification from more than one Agency shall file a request for certification with each such Agency.

- e) Approval or denial of certification may be made only after the procedure described in subsection (c) above has been completed. Denial of certification shall be in the form of a narrative, giving information as to how deficiencies may be corrected, along with a completed survey form on which all deficiencies are clearly identified.

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- f) Environmental laboratories in jurisdictions not having reciprocal agreements with an Agency under Section 183.160 may receive certification from the Agency under this Part and shall pay all of the expenses to be incurred by the Agency, including travel expenses, prior to evaluation.

Section 183.130 Conditions Governing the Use of Certificates

a) Certification of environmental laboratories under Subpart C shall be effective for a two year period and certification of environmental laboratories under Subparts B and D shall be effective for a three-year period from the date of issue, unless modified or revoked by the Agency. Application for timely renewal of certification shall be made to the Agency no later than 90 days prior to the applicable expiration date. Approval of a renewal application shall be contingent upon the environmental laboratory meeting all of the factors considered in granting the original certification, including acceptable results on performance evaluation samples required under this Part. When a certified environmental laboratory has made timely and sufficient application for renewal of certification or certification for additional parameters, the existing certification shall, unless otherwise modified or revoked in accordance with this Part, continue in full force and effect until the final decision of the Agency on the application has been made.

b) Certification shall be limited to those parameters for which an environmental laboratory has been approved and which are listed on the certificate of approval.

c) The certificate of approval shall be posted or displayed in a prominent place in the laboratory facility.

d) Information related to the certification of an environmental laboratory shall be accurately represented if used in any advertising or promotional statement that includes the statement that "Certification by the State of Illinois is not an endorsement or a guarantee of the validity of the data generated." Such information shall also specify the parameters for which the environmental laboratory has been certified. The advertising shall not include any representation that the environmental laboratory is certified to perform a type of analysis for which it lacks proper certification.

e) An environmental laboratory may surrender its certification voluntarily by notifying the Agency in writing and returning the certificate.

Section 183.131 Provisional Certification

a) Whenever a deficiency is found, a certified environmental laboratory may be placed on provisional certification. Provisional certification may be imposed for the following periods:

- 1) From seven to 30 days if the deficiency could compromise the

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quality of analytical data generated by the environmental laboratory; or

2) From 90 days to one year in the case of any other type of deficiency.

b) A provisionally certified laboratory may continue to analyze samples for compliance purposes, but shall notify its clients of its provisionally certified status by providing that information in writing, as soon as practicable, but in no event later than 3 working days after the imposition of provisionally certified status and shall also include such information on any report of any analysis performed during the period of provisional certification.

Section 183.132 Preliminary Certification

The Agency may grant written preliminary certification to an environmental laboratory that has demonstrated compliance with the applicable provisions of this Part after completion of the procedures specified in Section 183.125(c)(1) through (c)(3). Preliminary certification would be available in instances where it would be impractical for the Agency to schedule an on-site visit within six months from the date of a laboratory's submission of satisfactory analysis results for performance evaluation samples. Unless modified or revoked in accordance with this Part, preliminary certification shall remain in effect until certification has been approved or denied in accordance with Section 183.125.

Section 183.133 Changes in Ownership or Operations

a) Certification shall not be transferable. In the event of a change of ownership, director, supervisor, or analysts, or relocation or major remodeling of the physical plant of an environmental laboratory, the Agency shall be notified in writing within 15 days and shall be provided with the resume of any new owners, directors, supervisors, and analysts and a description of any relocation or remodeling of the physical plant.

b) After receiving notification of any of the changes listed in subsection (a) above, unless otherwise specified in this Part for a specific parameter, the Agency may, as applicable, review the resume of any new owner, director, supervisor, or analyst, require the analysis of performance evaluation samples by any new analyst, or make an on-site visit. However, the Agency may waive any of these actions if it finds such actions to be unwarranted in a specific case. Examples of when such waivers would be appropriate include the following circumstances:

- 1) Waiver of submittal of a summary of education and experience when personnel transferring from one certified laboratory to another are responsible for dealing with the same analytical methods and equivalent equipment; and
- 2) Waiver of an on-site visit if the pertinent test procedures

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involve simple techniques and equipment.

Section 183.134 Revocation of Certification

a) The Agency may revoke all or any part of an environmental laboratory's certification. Any of the following shall be cause for partial or total revocation of certification:

- 1) Expiration of a period of provisional certification, provided the laboratory has not corrected the deficiencies after being placed on provisional certification in accordance with the provisions of Section 183.131;

2) Unsatisfactory analyses of performance evaluation samples as specified in Section 183.140;

3) Failure to notify the Agency within 15 days after any of the changes listed in Section 183.133 have occurred;

4) Failure to comply with the requirements regarding advertising as specified in Section 183.130(d);

5) Failure to use the analytical methodology specified in this Part or approved in accordance with this Part;

6) Failure to provide notice in accordance with Section 183.131(b) of its status as a provisionally certified environmental laboratory; or

7) Falsification of results of testing of performance evaluation samples or any other information material to the certification.

b) The following factors shall be taken into account by the Agency in determining what action should be taken against a certified environmental laboratory for failing to comply with the requirements of this Section:

- 1) The length of time during which the failure has existed;
- 2) The laboratory's prior record of failures and response in correcting failures noted by the Agency;
- 3) Whether the laboratory knowingly caused or allowed the failure; and
- 4) The potential effect of the failure on the quality of analytical data generated by the laboratory.

Section 183.135 Subcontracting by Certified Laboratories

a) The name of the laboratory actually performing the analysis shall be specified on all reports of analytical results.

b) For those tests that are required to be performed under certification, any laboratory with which a certified environmental laboratory subcontracts shall also be a certified environmental laboratory.

Section 183.140 Performance Evaluation Samples

An environmental laboratory is required to participate in performance evaluation sample analyses for each analytical parameter or method for which it

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seeks or wishes to maintain certification in accordance with the certification procedures of Section 183.125(c), the certification renewal procedures of Section 183.130(a), and the quality assurance requirements contained in the applicable Subpart of this Part. Unless otherwise specified in the applicable Subpart of this Part, within 60 days after receipt of a performance evaluation sample, the environmental laboratory shall analyze such sample and report the test results to the Agency. There shall be no fee charged to the Agency for such analyses. Failure to provide results proving satisfactory precision and accuracy in two successive samples shall be cause for revocation of certification for the parameter or method not within satisfactory limits.

Section 183.145 Authority of Certification Officers

Certification officers shall have all of the following authority with regard to environmental laboratories:

- To inspect such laboratories in on-site visits;
- To require the laboratory to provide information regarding the technical operation of such laboratory relevant to certification;
- To inspect quality assurance records and any other pertinent records;
- To insert and question analysts at work on parameters or methods for which certification is sought; and
- To grant or deny certification based upon the completion of the evaluation process.

Section 183.150 Hearing, Decision and Appeal

The following procedures are established for Agency certification actions which are required by law to be preceded by notice and opportunity for hearing:

- Prior to revocation or partial revocation, the Agency shall give written notice to the laboratory director or owner. This notice shall include a description of the proposed action, the facts or conduct upon which the Agency will rely to support its proposed action and the procedures for requesting a hearing.
- Notice given under subsection (a) above and any hearing requested following issuance of such notice shall be in accordance with the "Rules of Practice and Procedure in Administrative Hearings" as adopted by the Illinois Department of Public Health. A single joint hearing may be conducted when a hearing is requested concerning actions of more than one Agency.

- With respect to the Illinois Environmental Protection Agency, the "Rules of Practice and Procedure in Administrative Hearings" (77 Ill. Adm. Code 100) are applicable only to hearings under this Section and the included definitions of "Department" and "Director" are modified as follows:

"Department" shall mean the Illinois Environmental Protection Agency.

"Director" shall mean the Director of the Illinois Environmental Protection Agency.

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- With respect to the Illinois Department of Nuclear Safety, the "Rules of Practice and Procedure in Administrative Hearings" (77 Ill. Adm. Code 100) are applicable only to hearings under this Section and the included definitions of "Department" and "Director" are modified as follows:

"Department" shall mean the Department of Nuclear Safety.

"Director" shall mean the Director of the Department of Nuclear

- If, however, the Agency finds that an emergency situation warrants immediate action, summary suspension as provided for by Section 10-65(d) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 10-65(d)) [5 ILCS 100/10-65(d)] may be ordered pending revocation proceedings. An emergency situation warrants immediate action if there is substantial risk to public health, safety, or welfare resulting from laboratory deficiencies that are compromising or are likely to compromise the analytical results obtained.

- A final decision of the Director of the Illinois Department of Public Health or the Director of the Illinois Department of Nuclear Safety is appealable to the Circuit Courts under the Illinois Administrative Review Act (Ill. Rev. Stat. 1991, ch. 110, pars. 3-101 et seq.) [735 ILCS 5/3-101 et seq.]. A final decision of the Director of the Illinois Environmental Protection Agency may be contested before the Pollution Control Board under the Illinois Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1001 et seq.) [415 ILCS 5/1 et seq.] with subsequent appeal to the Appellate Courts available.

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Section 183.155 Liability

Representatives of the Agency shall not waive the right to seek recovery for injuries incurred while inspecting an environmental laboratory facility.

Section 183.160 Reciprocity Agreements

Notwithstanding any other provision of this Part, the Director of the Agency may elect to enter into agreements with the governments of other states or with federal governmental units for recognition of their environmental laboratory inspections and certifications if such certification program uses equivalent controls over sample collection, data handling, quality control, analytical methods, and personnel as required of environmental laboratories within Illinois.

Section 183.165 Reporting (Repealed)**Section 183.170 Public Inspection of Records (Repealed)**

SUBPART B: CHEMICAL ANALYSES OF PUBLIC

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WATER SUPPLY SAMPLES

Section 183.205 Scope and Applicability

This Subpart B establishes standards applicable to environmental laboratories involved in chemical analyses of samples of water from public water supplies and their sources.

Section 183.210 Personnel Requirements

- a) The laboratory director shall be a person holding a minimum of a bachelor's degree in natural or physical sciences with at least 24 semester hours in chemistry or microbiology or both and shall have had a minimum of two years experience in an environmental laboratory. The laboratory director shall be either a full-time employee or a consultant.
- b) A laboratory supervisor shall be a person holding a minimum of a bachelor's degree in natural or physical sciences that includes the number of credit hours in chemistry courses required for a major in chemistry and shall have had a minimum of one year of experience in the area of analytical responsibility. A laboratory supervisor shall be a full-time employee.
- c) Instrument operators who operate Atomic Absorption (AA), Ion Chromatograph (IC), Gas Chromatograph (GC), Gas Chromatograph/Mass Spectrometer (GC/MS), and/or Inductively Coupled Plasma (ICP) shall meet the following required minimum standards:
 - 1) Hold a bachelor's degree in chemistry or related field. This degree requirement may be waived if the immediate supervisor has a bachelor's degree in chemistry or related field or if the analyst has the number of credit hours in chemistry courses required for a major in chemistry.
 - 2) Have a minimum of six months experience on the instrument being operated, except for a GC/MS where a minimum of 12 months experience is required. (See subsection (e) below).
 - 3) Operators of either a GC/MS or ICP also shall have satisfactorily completed a short course in GC/MS or ICP offered by the equipment manufacturer, professional organization, university, or other qualified training facility.
 - 4) After appropriate training, the operator must demonstrate acceptable results in the analysis of an applicable quality control or performance evaluation sample.
- d) An analyst is a person who holds a high school diploma or its equivalent and has demonstrated the ability to properly obtain acceptable results in the analysis of an applicable quality control or performance evaluation sample.
- e) Data produced by analysts and instrument operators while in the process of obtaining the required training or experience are acceptable when reviewed and validated by a fully qualified analyst or

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THE LABORATORY SUPERVISOR.

- f) A person who, as of the effective date of these amendments, is serving in an environmental laboratory in any capacity as defined in subsections (a) through (e) above and does not meet the educational requirements or experience requirements or both for said position may be recommended to continue to serve in said position by the certification officer. In recommending that an existing laboratory director, laboratory supervisor, or analyst continue to serve in that position, the certification officer shall take into account the following factors:
 - 1) Length of experience as an offset for not meeting educational requirements;
 - 2) Extent of education as an offset for not meeting experience requirements; and
 - 3) For analysis and demonstration of ability to properly perform representative test procedures with which he or she is involved while under observation by the certification officer.

Section 183.215 Laboratory Facilities

The laboratory's physical facilities shall meet the following specifications:

- a) A minimum of 150-200 square feet of floor space shall be provided for each analyst.
- b) A minimum of 15 linear feet of useable bench space shall be provided for each analyst.
- c) The laboratory shall include a sink with hot and cold running water.
- d) All water supply outlets shall be protected by approved vacuum breakers.
- e) The laboratory shall include a vacuum source if the analyses performed so require.
- f) The laboratory shall have a readily available source of distilled water or deionized water or both.
- g) The laboratory shall include at least one fume hood for analyses of organic chemicals and trace metals.
- h) The laboratory shall maintain the inorganic and organic facilities in separate rooms.
- i) The analytical and sample storage area shall be isolated from all potential sources of contamination.

Section 183.220 Laboratory Equipment

Only those instruments that are needed to analyze for the parameters for which the laboratory is being certified are required. Those instruments shall meet the requirements of the applicable methods. Minimal equipment requirements are:

- a) An analytical balance shall provide a sensitivity of at least 0.1 mg. and shall be placed on a stable base.
- b) A magnetic stirrer shall be of variable speed and use a Teflon-coated

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- stirring bar.
- c) A pH meter shall have an accuracy of at least plus or minus 0.1 units and a scale readability of at least plus or minus 0.1 units. The pH meter may be either line/bench or battery/portable operated and also shall be capable of functioning with specific ion electrodes.
 - d) A conductivity meter and cell combination, suitable for checking distilled water quality, shall be readable in ohms or mhos, and have a range of up to 2.5 megohm cm resistivity (conductivity down to 0.4 micromhos-cm) plus or minus 1 percent. The conductivity meter may be either line/bench or battery/portable operated.
 - e) A hot plate may be a large or small unit and shall have a selectable temperature control for safe heating of laboratory reagents.
 - f) A refrigerator used for storage of organics and flammable materials shall be an "explosion proof" type. For storage of organics and flammable materials when refrigeration is not required, an explosion proof cabinet shall be provided. A refrigerator for the general storage of aqueous reagents and samples may be a standard kitchen type domestic refrigerator.
 - g) Glassware which is used for purposes that may subject it to damage from heat or chemicals shall be of borosilicate glass. All volumetric glassware shall be Class A, denoting that it meets Federal specifications and is certified by the manufacturer as meeting the standards established by the American Society for Testing and Materials (ASTM).
 - h) A thermometer shall have 1° C or finer subdivision to 180° C and be certified by or traceable to the National Institute of Standards and Technology.

Section 183.225 General Laboratory Practices

- a) All prepackaged kit methods, other than the DPD and the (FACETS) Colorimetric Test Kit, are considered alternate analytical techniques and may be substituted only if approved and recorded with 40 CFR 141.27, revised as of July 1, 1990, or subsequent amendments or editions. A copy of 40 CFR is available for public inspection at the Illinois Environmental Protection Agency.
- b) A laboratory utilizing visual comparison devices shall calibrate the standards incorporated into such devices at least every six months. These calibrations shall be documented. Preparation of temporary and permanent type visual standards shall be in accordance with the Color-Visual Comparison Method, "Standard Methods for the Examination of Water and Wastewater," 14th Edition, American Public Health Association (Washington, D.C., 1976), pp. 64-66 and the "Turbidity-Visual Methods 408E," "Standard Methods for the Examination of Water and Wastewater," 16th Edition, American Public Health Association (Washington, D.C., 1985), exclusive of any subsequent amendments or editions. A copy of this publication is available for public inspection at the Illinois Environmental Protection Agency).

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- By comparing standards and plotting such a comparison on graph paper, a correction factor shall be derived and applied to all future results obtained on the now calibrated apparatus until it is recalibrated.
- c) Prior to use, all glassware shall be washed in a warm detergent solution and thoroughly rinsed, first in tap water and then in distilled or deionized water. This cleaning procedure is sufficient for most analytical needs, but the procedures specified for individual parameters shall be referred to for more elaborate precautions to be taken against contamination of glassware. A separate set of glassware shall be maintained for the nitrate, mercury, and lead procedures due to the potential for contamination from the laboratory environment. All glassware used in organic chemical analyses shall have a final organic solvent rinse or must be baked at 400° C for 30 minutes and shall be dried in an area free of organic contamination. Glassware must be covered with organic-free aluminum foil during storage.
 - d) Distilled or deionized water shall have resistivity values of at least 0.5 megohm cm (conductivity less than 2.0 micromhos/cm) at 25° C. Laboratories are advised to request a list of quality specifications for any water purchased. The quality of the distilled or deionized water shall be maintained by protecting it from the atmosphere. Quality checks of the distilled or deionized water shall be made at least once each shift and documented. Reagent water for organic analysis must be free of interferences from the analytes being measured. It may be necessary to treat water with activated carbon to eliminate all interferences.
 - e) Reagents used for chemical analyses shall be of a quality at least equal to the grade recommended in the applicable analytical procedure reference.
 - f) Laboratory safety practices are not considered an aspect of laboratory certification. However, certification officers may point out, on an informal basis, potential safety problems observed during on-site visits.

Section 183.230 Methodology and Required Equipment

Minimum equipment requirements, methodology, and references for individual parameters shall be as provided in Appendices A and B of this Part.

Section 183.231 Alternate Analytical Techniques

The drinking water regulations permit approval of alternate analytical techniques, if these techniques are demonstrated to produce results within the acceptance range of the approved methods. The process and requirements for obtaining approval is described in the document "Requirements for Nationwide Approval of New and Optionally Revised Methods for Drinking Water Monitoring," N.S. Ulmer, Environmental Monitoring Systems Laboratory, Cincinnati, Ohio 45268, 1988, exclusive of any subsequent amendments or editions. A copy of this publication is available for public inspection at the Illinois

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Environmental Protection Agency. To obtain more specific information, contact ENSL at (513) 569-7453.

Section 183.235 Sample Collection, Handling and Preservation

- a) The manner in which samples are collected and handled is critical for obtaining valid data. A written sampling protocol with specific sampling instructions should be available to sample collectors and for inspection by the certification officer. When the laboratory has responsibility for sample collection, handling, and preservation, there must be strict adherence to correct sampling procedures, complete identification of the sample, and prompt transfer of the sample to the laboratory. Any sample not meeting the following criteria must not be analyzed.

1) Samples must be collected in accordance with the approved methodology and the guidance requirements in the IEPA Bureau of Water, Division of Public Water Supplies Handbook, 4/89, exclusive of any subsequent amendments or editions.

2) Analytical report forms must contain the location, date and time of collection, collector's name, and any special remarks concerning the sample.

- b) The following standards for container types, preservatives, and holding time shall be met for each individual parameter(a):

Parameter(a)	Preservative	Container(c)	Maximum Holding Time(d)
Alkalinity	Refrigerate at 4° C as soon as possible after collection	P or G	14 days
Aluminum	Conc HNO ₃ to pH less than 2(b)	P or G	6 months
Antimony	Conc HNO ₃ to pH less than 2(b)	P or G	6 months
Arsenic	Conc HNO ₃ to pH less than 2 (b)	P or G	6 months
Asbestos	Cool 4° C(h)	P or G	6 months
Barium	Conc HNO ₃ to pH less than 2(b)	P or G	6 months
Beryllium	Conc HNO ₃ to pH	P or G	6 months

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Parameter(a)	Preservative	Container(c)	Maximum Holding Time(d)
Cadmium	less than 2(b) Conc HNO ₃ to pH less than 2(b)	P or G	6 months
Calcium	Conc HNO ₃ to pH less than 2(b)	P or G	6 months
Chloride	None	P or G	28 days
Chromium	Conc HNO ₃ to pH less than 2(b)	P or G	6 months
Color	Cool 4°C	P or G	48 hours
Conductivity	Cool 4°C	P or G	28 days
Copper	Conc HNO ₃ to pH less than 2(b)	P or G	6 months
Cyanide	Add NaOH to pH greater than 12; ascorbic acid in the presence of residual chloride; refrigerate and keep in dark	P or G	14 days
Fluoride	None	P or G	28 days
Foaming Agents	Cool 4°C		48 hours
Hydrogen ion (pH)	None	P or G	Analyze immediately (i)
Iron	Conc HNO ₃ to pH less than 2(b)	P or G	6 months
Lead	Conc HNO ₃ to pH less than 2(b)	P or G	6 months
Manganese	Conc HNO ₃ to pH less than 2(b)	P or G	6 months

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Parameter(a)	Preservative	Container(c)	Maximum Holding Time(d)
Mercury	Conc HNO ₃ [3] to pH less than 2(b)	P or G	28 days
Nickel	Conc HNO ₃ [3] to pH less than 2(b)	P or G	6 months
Nitrate Chlorinated	Cool 4°C	P or G	28 days
Non-Chlorinated	Conc H ₂ SO ₄ [4] to pH less than 2 (g)	P or G	14 days
Nitrite	Cool 4°C	P or G	48 hours
Odor	Cool 4°C	G	24 hours
Orthophosphate	Filter immediately, Cool 4°C	P or G	48 hours
Selenium	Conc HNO ₃ [3] to pH less than 2(b)	P or G	6 months
Silver	Conc HNO ₃ [3] to pH less than 2(b)	P or G	6 months
Silica	Cool 4°C	P	28 days
Sodium	Conc HNO ₃ [3] to pH less than 2(b)	P or G	6 months
Sulfate	Cool 4°C	P or G	28 days
Temperature	None	P or G	Analyze immediately (i)
Thallium	Conc HNO ₃ [3] to pH less than 2(b)	P or G	6 months
Total Dissolved Solids (TDS)	Cool 4°C	P or G	7 days
Zinc	Conc HNO ₃ [3] to pH	P or G	6 months

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Parameter(a)	Preservative	Container(c)	Maximum Holding Time(d)
Synthetic Organic Chemicals	(e)	(e)	(e)
Trihalomethanes	0.008% sodium thiosulfate or ascorbic acid; Refrigerate at 4° C as soon as possible after collection	G with Teflon-lined cap	14 days
Volatile Organic Compounds	1:1 HCl to pH less than 2, Cool 4° C	G with Teflon-lined cap	14 days

AGENCY NOTES:

- If a laboratory has no control over these factors the laboratory director must reject any samples not meeting these criteria and so notify the authority requesting the analyses.
- If HNO₃[3] specified for preservation cannot be used because of shipping restrictions, immediately ship the sample to the laboratory at ambient temperature. Upon receipt, the sample must be acidified with conc. HNO₃[3] to pH < 2 and held for at least 16 hours before analysis.
- P = Plastic, hard or soft; G = Glass, hard or soft.
- In all cases, samples should be analyzed as soon after collection as possible.
- Preservation, container, and maximum holding time are specified within the approved methods.
- No preservation is required if analysis is completed within 48 hours from the time of sample collection.
- These samples should never be frozen.
- "Analyze immediately" generally means within 15 minutes after sample collection.

Section 193.240 Quality Control

- A written description of the current laboratory quality control program shall be maintained and made available to analysts in an area of the laboratory where analytical work takes place.
- A laboratory manual containing complete written instructions for each parameter for which the laboratory is certified shall be maintained

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and made available to analysts in an area of the laboratory where analytical work takes place.

- c) A laboratory shall analyze unknown performance evaluation samples provided by the Agency or participate in the USEPA's Water Supply Performance Evaluation Survey which has resulting satisfactory precision and accuracy, as specified in Section 18.141, are submitted to the Agency once per year for performance evaluation. Samples submitted to the Agency are certified. When performance evaluation samples indicate technical assistance error, the Agency will provide appropriate technical assistance and follow up performance evaluation samples shall be analyzed by the laboratory.
- d) AGENCY NOTE: A copy of the USEPA's Water Supply Performance Evaluation Survey may be obtained from the USEPA's Region V offices located at 230 South Dearborn Street, Chicago, Illinois 60604.
- d) A laboratory shall conduct analyses on quality control samples (USEPA Quality Control Sample or equivalent) once per quarter for the parameters for which a laboratory is certified.
- e) A current service contract shall be in effect on all analytical balances.
- f) National Institute of Standards and Technology, Department of Commerce, Gaithersburg MD 20899 (NIST 1992, exclusive of any subsequent amendments or editions). Standardized Class "S" weights shall be available at the laboratory to make periodic checks on balances. This frequency shall not be less than once per month. A record of these checks is to be available for inspection.
- g) At least one thermometer, 1° C finer subdivision to 180° C and certified by or traceable to the NIST shall be available to check thermometers in vials, etc.
- h) Color standards or their equivalent shall be available to verify wavelength settings from 200 to 800 nm on spectrophotometers. A record of these checks shall be available for inspection. The specific checks and their frequency shall be as prescribed in the laboratory's QA plan. The frequency of these checks shall not be less than every 6 months.
- i) Chemicals shall be dated upon receipt of shipment and replaced as needed or, if earlier, before shelf life has been exceeded.
- j) The following quality control procedures shall be utilized by the laboratory for each analyte for which a laboratory is certified:
 - 1) At the beginning of each day that samples are to be analyzed, a standard reagent curve composed of a minimum of a reagent blank and three standards covering the sample concentration range must be analyzed.
 - 2) Calibration for some methods is so time-consuming that subsection (j)(1) above is impractical. For these methods, the standard curve is to be initially developed as specified in subsection (j)(1) above. Thereafter, at the beginning of each day on which analyses are performed, this curve is to be verified by analysis of at least a reagent blank and one standard in the expected

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- concentration range of the samples analyzed that day. All checks shall be within plus 10 percent of the original curve or meet the specifications of the approved methods.
- 3) If the reagent blank stated in subsection (j)(1) above is not carried through the full analytical procedure, then some other blank (at least one a day) must be carried through the entire analytical procedure. Results from reagent blanks shall not exceed the laboratory's determined method detection limit.
 - 4) The laboratory should add a known spike to a minimum of 10 percent of the routine samples (except when the method specifies a different percentage, i.e., furnace methods) in order to determine if the entire analytical system is in control. The spike concentration shall not be substantially less than the background concentration of the sample selected for spiking. These checks shall be evenly spaced and one check shall be at the end of the day's analyses. Over time, samples from all routine sample sources shall be spikes. If any of these checks are not within the limits specified in subsection (j)(5) below, a standard shall be analyzed to determine if the "out of control" condition was due to sample matrix or system operation. This standard must be analyzed through the complete analytical system. Corrective action must be taken in accordance with the laboratory's quality assurance plan.
 - 5) Until sufficient data are available from the laboratory, usually a minimum of 15 to 25 test results on a specific analysis, the laboratory is to use the control limits, if available, developed from the mean (X) and standard deviation (S) relationships in Table IV-6 (See Chapter IV of the Manual for the Certification of Laboratories Analyzing Drinking Water, EPA-570/9-90/008, April 1990, exclusive of any subsequent amendments or editions). This Table was derived from USEPA's performance evaluation sample data. After inserting the analytical concentration (C), including the background concentration (B) wherever appropriate, into the proper pair of relationships, compute control limits for standards as $X \pm 3S$ and for spike recoveries as $(X-B) \pm 3(S)$. As sufficient data become available, the laboratory shall develop traditional quality control chart criteria for the various quality control checks specified in subsection (j)(4) above (See Chapter 6 of the Handbook for Analytical Quality Control in Water and Wastewater Laboratories, EPA-600/4-79-019, March 1979, exclusive of any subsequent amendments or editions, or similar quality control reference texts for further information). Since percent recovery may not be a constant, the percent recovery data may have to be separated into concentration intervals before control limits are calculated for each interval. If any of these control limits are tighter than the matching control limits in Table IV-6, the laboratory shall use the tighter criteria. Otherwise, control limits in Table IV-6 are required. If no

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laboratories, but may be performed by any persons approved by the agency in accordance with Technical Policy Statement 309(B)(2) of the Illinois Environmental Protection Agency, Division of Public Water Supplies, if such persons adhere to the following standards in their analyses:

- 1) Samples shall not be preserved for later analysis. All analyses shall be made as soon as practicable, but no later than one hour after sample collection;
- 2) Plastic or glass containers shall be used for sample collection;
- 3) A nephelometer shall be available;
- 4) The Nephelometric Method specified in "Standard Methods for the Examination of Water and Wastewater," 16th Edition, American Public Health Association, (Washington, D.C., 1985, exclusive of any subsequent amendments or editions), or in "Methods for Chemical Analysis of Water and Wastes," United States Environmental Protection Agency, Office of Technology Transfer, Washington, D.C. 20460, (1974) shall be utilized; and
- 5) Sealed liquid turbidity standards purchased from the instrument manufacturer must be calibrated against properly prepared and diluted formalizing standards at least every 4 months in order to monitor their eventual deterioration. The standards shall be replaced when any major change from the previous calibration occurs. Solid turbidity standards composed of plastic, glass, or other materials shall not be used.

Section 183.255 Action Response to Laboratory Results

When a laboratory's results indicate that a maximum allowable concentration of any parameter has been exceeded, the person requesting the analysis shall be notified within two business days after the unsatisfactory sample result.

SUBPART C: MICROBIOLOGICAL ANALYSES OF
PUBLIC WATER SUPPLY SAMPLES

Section 183.305 Scope and Applicability

This Subpart C establishes standards applicable to environmental laboratories involved in microbiological analyses of samples of water from public water supplies and their sources.

Section 183.310 Personnel Requirements

- a) The laboratory supervisor shall be a person holding a minimum of a bachelor's degree in microbiology, biology, chemistry, or a closely related field. In addition, the laboratory supervisor shall have had a minimum of one year of bench experience in an environmental laboratory in the area of analytical responsibility and shall demonstrate ability to properly perform representative test procedures

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control limit criteria has been specified, then the laboratory shall use the mean + two times the standard deviation obtained in the method detection limit determination required below. The laboratory must continue to calculate traditional control limits for each analyte interval as additional results become available. It is further required that the laboratory periodically determine the method detection limits in accordance with Appendix B to 40 CFR 136.

- 6) If the method requires any additional quality control, it shall be performed in the laboratory.

Section 183.245 Record Maintenance

Records of chemical analyses shall be kept by the laboratory for not less than three years. This includes all raw data, calculations, quality control data and reports. However, data, with the exception of compliance check samples, as detailed in 40 CFR 141.33(b), may be transferred to tabular summaries which shall include the following information:

- a) Date, place, and time of sampling, preservative added;
- b) Name of person who collected the sample;
- c) Identification of the sample origin, such as routine distribution system sample, check sample, raw or process water sample, or other special purpose sample;
- d) Date of receipt of sample;
- e) Records necessary to establish chain-of-custody of the sample;
- f) Date of sample analysis;
- g) Name of the persons and designation of the laboratory responsible for performing the analysis;
- h) Designation of the analytical techniques or method used, quality control data; and
- i) Results of the analysis.

Section 183.250 Free Chlorine Residual and Turbidity

- a) Free and total chlorine residual measurements do not need to be done in certified laboratories, but may be performed by any persons if such persons adhere to the following standards in their analyses:

- 1) Samples shall not be preserved for later analysis. All analyses shall be made as soon as practicable, but no later than one hour after sample collection;
 - 2) Plastic or glass containers shall be used for sample collection;
 - 3) A DPD Colorimetric Test Kit, or a spectrophotometer, or a photometer shall be available; and
 - 4) The Colorimetric Method specified in "Standard Methods for the Examination of Water and Wastewater," 16th Edition, American Public Health Association (Washington, D.C., 1985, exclusive of any subsequent amendments or editions), shall be utilized.
- b) Turbidity measurements do not need to be done in certified

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under his or her supervision while under observation by the certification officer. A laboratory supervisor shall be a full-time employee.

- b) An analyst is a person who performs microbiological analyses on waters, has a minimum of high school diploma in academic or laboratory oriented vocational courses, and has had a minimum of six months bench experience in a microbiological analytical laboratory. In addition, an analyst shall demonstrate ability to properly perform representative test procedures with which he or she is involved while under observation of the certification officer. Analysts shall be under the direct supervision of the laboratory supervisor.

- c) A person who is acting in a certified environmental laboratory in a capacity defined in subsections (a) or (b) above and does not meet either the educational experience requirements or both may be recommended by the certification officer to serve in said position. Also, a certified analyst may be recommended by the certification officer to fill a vacancy for the position of laboratory supervisor. In making these recommendations the certification officer shall take into account the following factors:

- 1) Length of experience as an offset for not meeting educational requirements;
- 2) Extent of education as an offset for not meeting experience requirements; and
- 3) For analysts, demonstration of ability to properly perform representative test procedures with which he or she is involved while under observation of the certification officer.

Section 183.315 Laboratory Facilities

The laboratory's physical facilities shall meet the following specifications:

- a) A minimum of 150 square feet of floor space shall be provided for each analyst.
- b) Floors shall be covered with asphalt tile, vinyl, concrete, or other impervious, washable surface; which can be easily maintained.
- c) Ample floor space shall be available for stationary equipment such as autoclaves, incubators, and hot-air sterilization ovens. Storage space that is free of dust and insects shall be provided for the protection of glassware, media, and portable equipment.
- d) Laboratories analyzing potable waters, non-potable recreation waters, and sewage by microbiological methods shall have at least two separate rooms (a room for potable water, non-potable source and recreation waters; and a room for sewage).
- e) A separate area for preparation and sterilization of media, glassware, and equipment shall be provided.
- f) Walls and ceilings shall be covered with waterproof paint, enamel, ceramic tile, or other surface material that provides a smooth finish which is easily cleaned and disinfected.
- g) A minimum of 6 linear feet of useable bench space, free of equipment,

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- h) shall be provided for each analyst.

Bench tops shall be stainless steel, epoxy plastic, or other smooth impervious material which is inert, corrosion resistant, has a minimum number of seams, and is level.

- i) Laboratory lighting shall be even and provide a minimum of 100 footcandle light intensity at all working surfaces.

- j) The laboratory shall include a sink with hot and cold running water. All water supply outlets shall be protected by approved vacuum breakers.

- k) Laboratories shall be well ventilated and free of dusts, drafts, and extreme temperature changes. Central air-conditioning is recommended to reduce contamination, permit more stable operation of incubators, and decrease moisture problems with media and analytical balances. The temperature within the laboratory shall be maintained at between 60° and 80° F.

- l) An adequate electrical supply for operation of instruments and mechanicals needed shall be provided. The certification officer may require that the laboratory meets local and national electrical codes. All electrical outlets shall be properly grounded.

- m) Instruments shall be properly grounded with an internal or external regulated power supply available to each instrument.

- o) All plumbing shall meet local and state plumbing codes. The certification officer may require verification from an official inspector or other qualified person that the laboratory meets such codes.

- p) The laboratory shall include a vacuum source if the analyses performed so require.

- q) The laboratory shall be located in an area sufficiently free from noise and vibrations to prevent interference with its functions.

- r) The laboratory shall have a readily available source of laboratory pure water.

Section 183.320 Laboratory Equipment

Only those instruments that are needed to analyze for the parameters for which the laboratory is being certified are required, but those instruments shall meet the following minimum specifications. A laboratory doing all the analyses described in Section 183.335 shall have, or have access to, all of the equipment listed in this section with the minimum specifications cited.

- a) A top loading or trip pan balance shall be clean, not corroded, and provided with standardized Class S or S-1 weights, certified by the manufacturer as meeting the requirements established by the NIST.

- 1) A torsion or trip pan balance used for weighing materials of 2 grams or more shall detect 100 mg of weight accurately at a 150 gram load.
- 2) An analytical balance used for weighing quantities of less than 2 grams shall be sensitive to 1 mg at a 10 gram load.

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- b) A magnetic stirrer shall be of variable speed, 120 volts, and use of Teflon-coated stirring bar. The magnetic stirrer may be equipped with a heating element.
- c) A pH meter shall have an accuracy of at least plus or minus 0.1 units and a scale readability of at least plus or minus 0.1 units. The pH meter may be either line/bench or battery/portable operated.
- d) A conductivity meter and cell combination, suitable for checking laboratory pure water quality, shall be readable in ohms or ohm-cm, and have a range of up to 2.5 megohm-cm resistivity (conductivity down to 0.4 micromhos/cm) plus or minus 1 percent. The conductivity meter may be either line/bench or battery/portable operated.
- e) The autoclave shall be horizontal-chambered and shall meet all of the following specifications:
- 1) Time-temperature observed during the operational cycle or when operating condition;
 - 2) An operating safety valve shall be included;
 - 3) Separate temperature and pressure gauges shall be located on the exhaust side;
 - 4) The autoclave shall reach and maintain a temperature of 121° C during the sterilization cycle, and no more than 45 minutes shall be required for a complete cycle of carbohydrate media; and
 - 5) Depressurization shall not produce gas bubbles in fermentation media.
- f) A hot-air sterilization oven shall operate at a minimum of 175° C, shall be equipped with a thermometer inserted through the top port hole or be equipped with a temperature recording device, and shall be equipped with a thermostatic control that will not allow the temperature to deviate by more than plus or minus 5° C from the temperature setting.
- g) An incubation unit shall maintain an internal temperature of 35° plus or minus 0.5° C or 44.5° plus or minus 0.2° C and shall be of the following type: air or water jacketed incubator, incubator room, waterbath, or aluminum block incubator. Incubation units of the aluminum block type shall have culture dishes and tubes that are snug fitting in the block.
- h) An ultraviolet sterilizer shall be free from radiation leaks and shall be UV efficiency tested quarterly as described in "Standard Methods for the Examination of Water and Wastewater." Proper eye protection shall be available for users of the ultraviolet sterilizer. The ultraviolet sterilizer shall not be used as a substitute for an autoclave. The unit shall be disconnected monthly and the lamps cleaned by wiping with a soft cloth moistened with ethanol.
- AGENCY NOTE: The "Standard Methods for Examination of Water and Wastewater," referenced in this Subpart C, shall be the 16th Edition, American Public Health Association, Washington, D.C., 1985, exclusive of any subsequent amendments or editions. A copy of this publication is available for public inspection at the Department of Public Health.

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- i) A refrigerator shall maintain a temperature of between 1° and 4.4° C and shall be equipped with a thermometer located on the top shelf. The thermometer shall be graduated in at least 1° C increments and the thermometer bulb shall be immersed in liquid.
- j) An agar tempering water bath shall be of appropriate size for holding melted medium and shall be thermostatically controlled at 45° plus or minus 1° C.
- k) The following standards shall apply to temperature monitoring devices:
- 1) Glass thermometers shall be graduated in no greater than 0.5° C units for use in 35° C incubators.
 - 2) Glass thermometers shall be graduated in no greater than 0.1° or 0.2° C units for use in 44.5° C waterbaths or aluminum block type incubators.
 - 3) Continuous temperature recording devices shall be sensitive to at least 0.5° C when used on 35° C incubators, and shall be sensitive to at least 0.2° C when used for 44.5° C waterbaths or aluminum block type incubators.
 - 4) An NIST certified thermometer, or one of equivalent accuracy graduated in 0.2° C or less, shall be available for calibration use and shall be accompanied by its certification papers and procedures for use. Unless otherwise specified in this Subpart C, all thermometers and temperature recording devices shall be calibrated against such certified thermometer to within plus or minus 1.0° C.
 - 5) Each laboratory shall have a maximum registering thermometer in the range of 200° to 400° F (90° to 200° C) graduated in increments no greater than 2° F (1° C).
 - 6) Each laboratory shall use separate thermometers for determining the temperatures of waterbaths, ovens, autoclaves, samples, refrigerators, storage areas, etc.
 - 7) The liquid column of glass thermometers shall have no separations.
 - l) Optical counting equipment shall include a low power magnification device of the dissecting or stereomicroscope type with a magnification power of 10 to 15 diameters, and an external daylight fluorescent light source for sheen discernment at an angle of 60° to 80° above the colonies.
 - m) A mechanical hand tally shall be available for counting colonies on membrane filters or agar pour plates.
 - n) Where metal inoculation loops are used, loops shall be of 22 to 24 gauge Nichrome, chrome, or platinum-iridium wire with loop diameters of at least 3 mm. Hot-air sterilized wooden applicator sticks or presterilized plastic loops may be used.
 - o) Membrane filter equipment shall be non-leaking, uncorroded, and made of stainless steel, glass, or autoclavable plastic. Metal plating on membrane filter equipment shall not be worn so as to expose base metal.
 - p) Membrane filters shall be white, grid marked, 47 mm diameter, with

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0.45 micron pore size, and made from cellulose ester materials. Another pore size may be used if the manufacturer gives performance data equal to or better than the 0.45 micron membrane filter.

- q) Membrane filters shall be autoclavable or presterilized.
- r) Absorbent pads shall be of uniform thickness to permit 1.8 to 2.2 ml media absorption and shall be autoclavable or presterilized. Filter paper shall be free from growth inhibitory substances.
- s) Forceps used to handle membrane filters and absorbent pads shall have a round tip without corrugations.

Section 183.325 Laboratory Glassware, Plastic Ware and Metal Utensils

- a) Except for disposable plastic ware, items shall be resistant to effects of corrosion, high temperature, and vigorous cleaning operations. Metal utensils made of stainless steel are preferred. Plastic items shall be of inert, non-toxic material and shall retain accurate graduations or calibration marks after repeated autoclaving. Glassware which is used for purposes that may subject it to damage from heat or chemicals shall be of borosilicate glass. All glassware shall be free of chips, cracks, or excessive etching. All volumetric glassware shall be Class A, denoting that it meets federal specifications and is certified by the manufacturer as meeting the standards established by the American Society for Testing and Materials (ASTM).

- b) Graduated cylinders for measurement of sample volumes shall have a tolerance of 2.5% or less. Precalibrated containers shall have clearly marked volumes of 2.5% tolerance. The calibration of each precalibrated container shall be checked by measuring the volume of ten calibrated containers.

- c) Media preparation utensils shall be of borosilicate glass or stainless steel, and shall be clean and free from foreign residues or dried medium.

- d) Pipets shall meet the specifications set forth in "Standard Methods for the Examination of Water and Wastewater." Containers for glass pipets shall be of either stainless steel or aluminum. Opened packages of sterile disposable pipets shall be securely resealed between uses.

- e) Culture dishes shall be sterile and shall be of the tight or loose-lid plastic, or loose-lid glass type. In addition, culture dishes shall be of 100 mm x 15 mm or 60 mm x 15 mm size; and shall be clear, flat bottomed, and free from bubbles or scratches or both. Containers for culture dishes shall be of aluminum or stainless steel; or culture dishes shall be wrapped in heavy aluminum foil or char-resistant paper. Open packages of sterile disposable culture dishes shall be securely resealed between uses. Loose-lid dishes shall be incubated in a tight-fitting container to prevent dehydration of membrane filter and medium.

- f) Culture tubes shall be of borosilicate glass or other corrosion

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resistant glass, and shall be of sufficient size to contain culture medium, as well as the sample portions employed, without being more than three-fourths full. Culture tube closures shall be loose fitting stainless steel, or plastic caps, or aluminum caps, or plastic screw caps, with non-toxic liners.

- q) Distortion bottles shall be of borosilicate glass or other corrosion resistant glass, and shall be autoclavable plastic, and shall be free of chips and cracks. The line graduation level shall be distinctly marked on the side of dilution bottles at 39 ml. Dilution bottle closures shall be plastic screw caps with tamperproof liners and shall not produce toxic substances during the sterilization process.
- b) Sample bottles shall be sterile or plastic or hard glass, wide mouthed, and of least 120 ml capacity. Sample bottle closures shall be glass stoppers or screw caps (metal or plastic) capable of withstanding repeated sterilization, with leakproof liners, and shall not produce toxic substances during the sterilization, and shall be glass-stoppered bottle closures shall be covered with aluminum foil or char-resistant paper for sterilization. Metal caps with exposed bare metal on the inside shall not be used. Presterilized bags, with or without a dechlorinating reagent, may be used.

Section 183.330 General Laboratory Practices

- a) The following standards shall apply to sterilization procedures:

- 1) Autoclaving of the following items shall be carried out at 121° plus or minus 1° C for the durations specified below:

Item	Minimum duration of autoclaving
Membrane filters and pads	10 minutes
Carbohydrate-containing media (lauryl tryptose, brilliant green lactose bile broth, etc.)	12-15 minutes
Contaminated materials and discarded tests	30 minutes
Membrane filter assemblies (wrapped), sample collection bottles (empty), and individual glassware items	30 minutes
Rinse water volumes of 500 ml to 1000 ml	45 minutes

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Rinse water volumes in excess of 1000 ml Time adjusted for volume; check for sterility

Dilution water blanks 15 minutes

- 2) Membrane filters and pads and all media shall be removed from the autoclave immediately after completion of the sterilization cycle.

- 3) The maximum elapsed time for exposure of carbohydrate-containing media to any heat (from the time of closing the loaded autoclave to unloading) shall be 45 minutes.

- 4) Membrane filter assemblies shall be autoclaved between each sample filtration series. A filtration series ends when 30 minutes or more have elapsed between sample filtrations. A UV sterilizer or boiling water may be used on membrane filter assemblies for at least 2 minutes to prevent bacterial carry-over between sample filtrations, but shall not be used as a substitute for autoclaving between sample filtration series.

- 5) Dried glassware to be sterilized in a hot-air sterilizing oven shall be kept at 175° plus or minus 5° C for at least 2 hours.

- 6) Empty sample containers shall be moistened with several drops of distilled water before autoclaving to prevent an "airlock" sterilization failure which may be distilled, deionized, or other

- b) Laboratory pure water which shall meet the standards set forth in Section 183.345. Only water determined to be laboratory pure water shall be used for performing bacteriological analyses.

- c) Rinse and dilution water shall be prepared in the following manner: 1) Prepare a phosphate buffer solution of potassium dihydrogen phosphate (KH₂PO₄) with the laboratory pure water as specified in "Standard Methods for the Examination of Water and Wastewater."

- 2) The phosphate buffer solution shall be autoclaved or filter sterilized, labeled, dated, and stored at 1° to 4° C.

- 3) The stored phosphate buffer solution shall be free of turbidity.

- 4) Rinse and dilution water shall be prepared by adding 1.25 ml of stock phosphate buffer solution and 5.0 ml of magnesium chloride solution per liter of laboratory pure water, and shall have a final pH of 6.5 - 7.4.

- 5) Check each batch of dilution/rinse water for sterility by adding 50ml of water to 50ml of double-strength, nonselective broth. Incubate at 35° plus 0.5° C for twenty-four hours and check for growth.

- d) The following minimum standards shall be met for storing and preparing media:

- 1) Laboratories shall use commercial dehydrated media for routine bacteriological procedures.

- 2) All media shall be prepared according to the media specification of "Standard Methods for the Examination of Water and

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Wastewater."

- 3) Dehydrated media containers shall be kept tightly closed and stored in a cool, dry location. Discolored or caked dehydrated media shall not be used.

- 4) All water used shall be laboratory pure water.

- 5) Dissolution of the media shall be completed before dispensing to culture tubes or bottles.

- 6) Membrane filter broths and agar media shall be heated in a boiling water bath or, if constantly attended, a hot plate with a stir bar, until completely dissolved. The medium shall not be boiled. Denatured ethanol shall not be used.

- 7) Membrane filter broths shall be stored and refrigerated no longer than 96 hours prior to use. Membrane filter agar media shall be stored in refrigerator, and used within two weeks after preparation. Prepared plates shall be stored in sealed plastic bags or containers to minimize evaporation.

- 8) Multiple Tube Fermentation (MTF) media, when prepared in tubes with loose-fitting caps, shall be discarded within one week after preparation. If MTF media are refrigerated after sterilization, they shall be incubated overnight at 35° C to confirm usability.

- 9) Tubes of MTF media showing growth or gas bubbles shall be discarded. Use refrigerated M Endo agar LBS within two weeks of preparation.

- 9) MTF media in screw cap containers may be held up to three months, provided the media are stored in the dark and evaporation does not exceed 0.5 ml per 10 ml total volume.

- 10) Ampuled media such as M-Endo broth and M-FC broth may be used in emergencies provided the ampuled media has been prepared in a microbiological water laboratory certified by the regulatory agency having responsibility for laboratory certification in the state where ampuled media is manufactured. Record date received, type of medium, lot number, and pH verification. Medium shall be discarded by manufacturer's expiration date.

- 11) Preparation of WMO-WUG medium from basic ingredients by the laboratory is not permitted. Medium shall be protected from light. Ingredients and tubes supplied by manufacturers are sterile and shall not be autoclaved.

- 12) Temper melted heterotrophic, plate-count media at 44 to 46 C before pouring. Melted agar shall be held no longer than three hours. Sterile agar medium shall not be melted more than once.

Section 183.335 Methodology

A laboratory must be certified for all analytical methods listed below that it uses. At a minimum, the laboratory must be certified for one total coliform method; one fecal coliform or E. Coli method; and the pour plate method for heterotrophic bacteria.

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- a) The following methodology, as specified in the listed references, shall be followed for individual parameters:

Type of water	Parameter	Methodology	Reference(a)
Potable	Total coliforms	Standard total coliform MTF & PA tests(b)	a & c
Potable	Total Coliforms	Standard total coliform membrane filter procedure	a & c
Potable	Fecal coliforms	EC verification	c
Potable or Non-potable	Fecal coliforms	Fecal coliform MTF procedure	a
Non-potable	Fecal streptococcal	MTF procedure	a
Non-potable	Fecal coliforms	Fecal coliform membrane filter procedure	a & c
Non-potable	Fecal streptococcal	Membrane filter procedure	a
Potable and non-potable	Bacterial total count	Heterotrophic plate count	a
Potable and non-potable	Total Fecal coliform and E. Coli	MMO-MUG	c

AGENCY NOTES:

- a. "Standard Methods for the Examination of Water and Wastewater." b. Excluding the gram-stain technic.
c. "Manual for the Certification of Laboratories Analyzing Drinking Water." U.S. EPA 570/9-90/008A, 3rd Edition (Change 1 October, 1991). A copy of this manual can be obtained by contacting the U.S. Environmental Protection Agency, Washington, D.C. 20460. This manual as published and dated is exclusive of subsequent amendments or editions.
- b) The membrane filter procedure is preferred for the analysis of potable waters, because it permits analysis of large sample volumes in reduced analysis time. The membranes should show good colony development over the entire surface. The golden green metallic sheen colonies should be counted and recorded as the coliform density per 100 ml of water sample.
- c) The following requirements for reporting any problems with public water supply sample results shall be observed:
1) Invalidate all samples resulting in confluent growth or TNTC (too numerous to count). Record as "confluent growth" or "TNTC" and request an additional sample from the same sampling site. Confluent growth is defined as a continuous bacterial growth, without evidence of total coliforms, covering the entire membrane filter. TNTC is defined as greater than 200 colonies on the membrane filter in the absence of detectable coliforms. Do not invalidate sample when the membrane filter contains at least one total coliform colony.
- 2) A laboratory that has elected to use the MTF or PA procedures must invalidate samples that produce turbid cultures in the absence of gas production (MTF) or an acid reaction (PA). Do not invalidate if coliform are indicated.

Section 183.340 Sample Collection, Handling and Preservation

When the laboratory has been delegated responsibility for sample collection, handling, and preservation, there shall be strict adherence to correct sampling procedures, complete identification of the sample, and prompt transfer of the sample to the laboratory as specified in "Standard Methods for the Examination of Water and Wastewater." In addition, the following standards for sample collection, handling, and preservation of potable water samples shall be met:
a) In order for the sample to be representative of the potable water system, the sampling program shall include examination of the finished water at selected sites that systematically cover the distribution network.

- b) Minimum sampling frequency shall be as specified in 35 Ill. Adm. Code 605.102 (prior to codification Table III of the Illinois Pollution Control Board Rules and Regulations, Chapter 6: Public Water Supply).
c) Water shall be sampled from cold water taps that are free of aerators, strainers, hose attachments, and water purification devices. Prior to sampling, a steady flow of water shall be maintained from the tap for

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- 2 to 3 minutes to clear the service line.
- d) The sample bottle shall be filled allowing at least one-quarter inch of air space from the top to provide space for mixing. A minimum sample volume of 100 ml shall be collected.
- e) The sample report form shall be completed immediately after collecting the sample and shall contain the following information: date and time of collection; location; sample collector's name; sample type (e.g., routine, repeat) and chlorine residual (if applicable).
- f) Sample bottles shall be of at least 120 ml capacity, of sterile plastic or hard glass, wide mouthed with glass stopper or screw cap (metal or plastic), and capable of withstanding repeated sterilization. Presterilized plastic bags, with or without a dechlorinating agent, may be used. Metal caps with exposed bare metal on the inside shall not be used. When samples are to be collected from chlorinated water supplies, sodium thiosulfate shall be added to the sample bottles in an amount sufficient to provide an approximate concentration of 100 mg per liter of sample prior to sterilization of the sample bottles. As an example, 0.1 ml of a 10 percent sodium thiosulfate solution is required for a 120 ml sample bottle.
- g) When the sample is delivered to the laboratory:

- 1) The following information shall be added to the sample report form:
 - A) Date and time of sample arrival; and
 - B) Name or initials of the person receiving the sample for the laboratory; and
- 2) Each sample shall be assigned a laboratory number. In the event of a repeat or replacement sample, the number assigned to the original sample shall also be recorded.
- h) Records necessary to establish chain-of-custody of the samples shall be maintained.
- i) Samples shall be analyzed on the day of arrival in the laboratory/preferably within 30 hours after collection. If a sample is not analyzed within the 30 hour limit the laboratory must indicate on the report form that the results may be invalid due to excessive delay before processing. Without exception, samples arriving more than 48 hours after collection shall be refused and a new sample requested.
- j) Samples of potable water for heterotrophic plate count analysis shall be refrigerated and delivered to the laboratory within 6 hours after collection.

Section 183.345 Standards for Laboratory Pure Water

The following standards shall apply to all laboratory pure water:

- a) Laboratory pure water shall have these characteristics:

Property	Value
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Conductivity

Less than 2.0 micromhos/cm (resistivity greater than 0.5 megohm-cm) plus or minus 1 percent at 25° C
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Trace metals:

Individual metals (Cd, Cr, Cu, Ni, Pb, Zn)	Less than or equal to 0.05 mg/l
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Total metals	Less than or equal to 0.1 mg/l
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Test for bactericidal properties of distilled water	Ratio of 0.8 to 3.0
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Free chlorine residual	None
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Heterotrophic plate count	Less than 500/ml
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- b) Laboratory pure water shall be analyzed initially and annually thereafter by the test for bacteriological quality of distilled water as specified in "Standard Methods for the Examination of Water and Wastewater." Only satisfactorily tested water shall be used in preparing media, reagents, rinse, and dilution water. If the water tested does not meet the requirements, corrective action shall be taken and the water retested.
- c) Laboratory pure water shall be analyzed monthly for conductance, chlorine residual, and heterotrophic plate count. Heterotrophic plate counts shall be performed as specified in "Standard Methods for the Examination of Water and Wastewater." If the water tested exceeds the requirements for these properties, corrective action shall be taken and the water retested.
- d) Laboratory pure water shall not be in contact with heavy metals, and shall be analyzed initially and annually thereafter for trace metals (especially Pb, Cd, Cr, Cu, Ni, and Zn). If the water tested exceeds the requirements for trace metals, corrective action shall be taken and the water retested.
- e) The following quality control tests for heterotrophic plate count shall be utilized:
 - 1) Sterility controls shall be poured for each bottle of sterile, melted, tempered medium used.
 - 2) Sterility of pipets and petri dishes shall be determined.
 - 3) Microbial density of the air during plating procedures shall be determined for each series of samples plated. When 15 or more colonies appear on an exposed plate after a 15 minute exposure period and 48 hours of incubation at 35° C, corrective action shall be taken.

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- 4) The sterility of dilution water shall be determined, if used.

Section 183.350 General Quality Control Procedures

- a) A written description of the current laboratory quality control program shall be maintained and made available to analysts in an area of the laboratory where analytical work takes place. A record of analytical quality control tests and quality control checks on media, materials, and equipment shall be prepared and retained for 5 years.
- b) A laboratory manual containing complete written instructions for each parameter for which the laboratory is certified shall be maintained and made available to analysts in an area of the laboratory where analytical work takes place.
- c) The following minimum requirements shall apply to analytical quality control tests for general laboratory practices and methodology:

- 1) Verify all coliform colonies. However, if the number of colonies exceeds 10/100 ml, then randomly pick 10 colonies for verification. An acceptable alternative method is to swab the entire membrane surface and transfer the swab to the verification test media.
- 2) A start and finish membrane filtration control test of rinse water, medium, and supplies shall be conducted for each filtration series. If sterile controls indicate contamination, all data on samples affected shall be rejected and a request made for immediate resampling of those waters involved in the laboratory error.
- 3) The MPF test shall be carried to completion, except for gram staining, on 10 percent of positive confirmed samples. (A positive sample for total coliform consists of one or more positive confirmed tubes by MPF.) If no positive tubes result from the potable water sample, the completed test, except for gram staining, shall be performed quarterly on at least one positive source water.
- 4) When unknown performance evaluation samples are available, each approved analyst shall analyze at least one per year for the parameters measured. When performance evaluation sample results indicate technical error, the Agency will provide appropriate technical assistance to determine the cause and make suggestions for correction of the problem.
- 5) Each analyst approved for the total coliform procedure by the membrane filter technique shall monthly verify total coliform analyses by swabbing three plates from a known positive sample and inoculating lauryl tryptose broth and brilliant green lactose bile broth from each plate. The lauryl tryptose broth and brilliant green lactose bile broth shall be incubated at 35.0±0.2 plus or minus 0.5° C for 24 to 48 hours. Turbid growth with gas production indicates a positive result.
- 6) Each analyst approved for EC verification shall monthly inoculate

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- three tubes of EC medium with the same swabs used to perform the monthly total coliform verification. EC medium shall be incubated at 44.5° plus or minus 0.2° C for 24 hours.
- 7) Each analyst approved for the fecal coliform procedure by the membrane filter technique shall monthly verify fecal coliform analyses by picking at least ten isolated colonies from membranes containing typical EC medium. The lauryl tryptose broth shall be incubated at 35.0±0.2 plus or minus 0.5° C for 24 to 48 hours. The EC medium shall be incubated at 44.5° plus or minus 0.2° C for 24 hours. Turbid growth with gas production indicates a positive result.
- 8) Each approved analyst shall monthly verify analyses for fecal streptococci by picking at least 10 isolated pink to red colonies and transferring to brain heart infusion (BHI) agar and broth. The catalase test shall be performed on 24 hour cultures that have been incubated at 35° plus or minus 0.5° C, with catalase negative cultures (possible fecal streptococci) transferred to 40 percent bile BHI broth and incubated at 35° plus or minus 0.5° C. Also, catalase negative cultures shall be transferred to BHI broth and incubated at 45° plus or minus 0.5° C. Growth at both temperatures verifies fecal streptococci.
- 9) If there is more than one analyst in the laboratory, at least once each month each analyst shall count the same heterotrophic plate count plate, total coliform membrane, fecal coliform membrane and fecal streptococci membrane (if appropriate). Colony counts between analysts shall agree within 10 percent.
- 10) The standards for laboratory pure water specified in Section 183.345 shall be met.

Section 183.355 Quality Controls for Media, Equipment and Supplies

The following minimum requirements shall apply to quality control checks of laboratory media, equipment, and supplies:

- a) The pH meter(s) shall be clean and calibrated each use period with pH 4, pH 7 and pH 10 standard buffers. Each buffer aliquot shall be used only once. Commercial buffer solutions shall be dated on initial use. Do not use past the expiration date. Maintain electrodes according to manufacturer's recommendations.
- b) Balances shall be calibrated monthly using NIST standardized Class "S" or "S-1" weights or weights traceable to Class S or S-1 weights. If nonreference weights are used, they shall be calibrated annually with Class S or S-1 weights. A minimum of three weights which bracket the weighing requirements of the laboratory shall be used. Balances shall be calibrated by service contract annually.
- c) Glass thermometers or continuous temperature recording devices for incubators shall be checked at least annually for accuracy and metal thermometers shall be checked at least quarterly for accuracy against

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checking for growth. Prepared sample bottles from each batch shall not be used unless satisfactory results are obtained from the tested bottle.

- k) At least one bottle per batch of sterilized sample bottles prepared with sodium thiosulfate shall be checked for sufficient amount of the dechlorinating reagent by properly collecting a potable sample at the laboratory, and checking for residual chlorine. Corrective action shall be taken if there is any residual chlorine, and bottles in the batch checked shall not be used until corrective action has been completed.
- l) Current service contracts or in-house protocols shall be maintained on balances, autoclaves, hot-air sterilization ovens, water stills, deionizers, reverse osmosis apparatus, water baths, incubators, etc. Service records on such equipment shall include the date, name of the servicing person, and a description of the service provided.
- m) Records shall be available for inspection on all batches of sterilized media. Shipping type of medium, lot numbers, date, sterilization time and temperatures, final pH, and name of the person(s) responsible for all or any part of the recorded data. The final pH of the medium shall be:

Media	pH
M-Endo broth	7.2 plus or minus 0.2
M-Endo agar	7.2 plus or minus 0.2
M-Endo LES agar	7.2 plus or minus 0.2
brilliant green	7.2 plus or minus 0.2
lactose bile broth	
P-A coliform test medium	6.8 plus or minus 0.2
EC Medium	6.9 plus or minus 0.2
plate count agar	7.0 plus or minus 0.2
M-FC broth/Agar	7.4 plus or minus 0.2
lauryl tryptose broth	
single strength	6.8 plus or minus 0.2
double strength	6.7 plus or minus 0.2
Levine's EMB agar	7.1 plus or minus 0.2
KF Strep agar	7.2 plus or minus 0.2
brain heart infusion	7.4 plus or minus 0.2
broth/agar	
Oxgall	7.3 plus or minus 0.2
Azide dextrose broth	7.2 plus or minus 0.2
PSC agar	7.1 plus or minus 0.2

- n) Positive and negative cultures, or natural water of known pollution, shall be used on each new lot of medium to determine performance compared to a previous acceptable lot of medium. For media which give actual colonies to count, use Student's "t" method of determining acceptability. For all other media check a minimum total of ten tubes

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- d) an NIST certified thermometer, or one of equivalent accuracy. Temperature in incubation equipment shall be recorded continuously by a temperature recording device or recorded twice daily (at times separated by at least 4 hours) from in-place thermometers immersed in liquid and placed on shelves. Temperature readings from walk-in incubators with a continuous temperature reading device shall be supplemented by readings from in-place thermometers placed on various shelves other than where the recorded probe is located.
- e) Date, time, duration, and temperature of autoclaving shall be recorded continuously or recorded for each sterilization cycle. A list of materials sterilized in each cycle shall also be maintained and made available to the person(s) involved.
- f) Hot air registers shall be equipped with thermometer, registering up to at least 180° C, or with temperature recording device. The oven thermometer shall be graduated in 10° C increments or less, with the bulb placed in sand during use. Date, time, duration, and temperature shall be recorded for each sterilization cycle. A list of materials sterilized in each cycle shall also be maintained and shall be initiated by the person(s) involved.
- g) Only membrane filters recommended for water analysis by the manufacturer shall be utilized. Manufacturer data sheets containing information as to lot number, ink toxicity, recovery, retention, and absence of growth promoting substances for membrane filters shall be entered into the laboratory's record system. New lot numbers of membrane filters shall be compared with the old membranes using Student's t test. Unacceptable membranes shall be returned to the vendor. Record the lot number and date received for membrane filters. Check the sterility of each lot number of membranes by placing one membrane in 50 ml volume of nonselective broth medium and checking for growth after 24 hours incubation at 35° plus or minus 0.5° C.
- h) Washing processes shall provide clean glassware with no stains or spotting. Use distilled or deionized water for final rinse. With initial use of a detergent or washing product and annually thereafter, the rinsing process with distilled or deionized water shall be demonstrated to provide glassware free of toxic material based on the Inhibitory Residue Test as specified in "Standard Methods for the Examination of Water and Wastewater."
- i) A representative piece of each type of glassware or plastic ware from each batch of clean, dried glassware or plastic ware shall be tested for residual alkaline or acid residue using bromthymol blue indicator. If the results of the indicator test are not within the desired color range of dark green to light blue, corrective action shall be taken by re-rinsing, then air drying and retesting.
- j) At least one bottle per batch of sterilized sample bottles shall be checked for sterility by adding approximately 25 ml of sterile deionized water to each bottle. The bottle shall be capped and rotated so that the water comes in contact with all surfaces and shall be incubated at 35° plus or minus 0.5° C for 24 hours prior to

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each of old and new lot numbers. The results shall differ by no more than 10%.

- p) Use a maximum registering thermometer weekly to verify sterilization temperatures within autoclaves and hot-air sterilizing ovens. Use spore strips or ampules on a weekly basis. A record of these results shall be maintained to include the date, material sterilized, and the initials of the analyst involved. Check automatic timing mechanisms on autoclaves quarterly with a stopwatch.
- q) When media dispensing apparatus is used, the media preparer shall check the accuracy of the dispenser with a graduated cylinder at the start of each volume change and periodically throughout extended runs.
- r) The refrigerator temperature shall be determined daily by an accurate thermometer immersed in liquid and placed on the top shelf and the unit cleaned at least monthly. Outdated materials in the refrigerator and freezer compartments shall be discarded.
- s) Ultraviolet sterilization lamps shall be tested quarterly by exposing agar spread plates containing 200 to 250 microorganisms to the light of the lamps. If such irradiation does not reduce the count of control plates by 99 percent, the lamps shall be replaced. Cleaning of ultraviolet sterilization lamps shall be done at least monthly by disconnecting the lamps and cleaning the lamps with a soft cloth moistened with ethanol.
- t) Water baths shall be cleaned at least monthly. The use of distilled or deionized water for water baths is recommended.
- u) Media shall be used on a first in, first out basis. Records shall be kept of the kind, amount, date received, and date opened for bottles of media. The date opened and the date received shall be written on the bottles. Bottles of media shall be used within 6 months after opening, except that media stored in a desiccator may be used up to one year after opening. It is recommended that media be ordered in quantities to last no longer than one year, and that media be ordered in quarter pound multiples rather than one pound bottles in order to keep the supply sealed and protected as long as possible. Discard any media that has passed the manufacturer's expiration date.
- v) Conductivity meters shall be calibrated monthly with a 0.01 M KCL solution or lower concentration if desired. Calibration is not required for inline conductivity meters.

Section 183.360 Data Handling

- a) All records shall be initiated or signed by the person or persons responsible for recording all or any part of the data, or performing the various tests.
- b) Either each unit shall be responsible for maintaining its own records, or all records shall be maintained in a general laboratory log book.
- c) The laboratory shall record arrival time and date received in the laboratory, time and date of analysis, direct count, membrane filtration verified count, MTF completed count, analyst's name, and

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- d) other special information on each sample report form.
- e) A careful check shall be made to verify that each result is entered accurately from the bench sheet onto the sample report form. The sample report form shall be initiated or signed by the persons who verified the entry of information from the bench sheet.
- f) All forms used in the laboratory for both sample reporting and quality control shall be approved by the certification officer to insure that data is recorded in a format that is easily interpreted and that contains all necessary information.

Section 183.365 Record Maintenance

- a) A copy of the sample report form shall be maintained by the laboratory for at least five years. If results are entered into a computer storage system, a printout of the data shall be returned to the laboratory for verification with bench sheets.
- b) Records of bacteriological analyses shall be kept for at least five years. Actual laboratory reports may be kept. However, data may be transferred to tabular summaries which shall include the following information:
 - 1) Date, place, and time of sampling;
 - 2) Name of person who collected the sample;
 - 3) Identification of the sample origin, such as routine distribution sample, re-sample, construction sample, raw or process water sample, surface or ground water sample, or other special purpose sample;
 - 4) Date and time of receipt of sample in the laboratory;
 - 5) Records necessary to establish chain-of-custody of the sample;
 - 6) Date and time of sample analysis;
 - 7) Name of the persons and designation of the laboratory responsible for performing the analysis;
 - 8) Designation of the analytical techniques or methods used; and
 - 9) Results of the analysis.
- c) The disposal of all records subject to the Local Records Act (Ill. Rev. Stat. 1991, ch. 116, pars. 43.101 et seq.) [50 ILCS 205/1 et seq.] must be in accordance with the provisions of that Act.

Section 183.370 Action Response to Laboratory Results

For laboratory results concerning samples from public water supplies and their sources, presumptive positive microbiological test results are to be reported to the requesting facility as preliminary without waiting for membrane filter verification or MTF completion. After membrane filter verification or MTF completion or both, the adjusted results shall be reported. The requesting facility shall be notified when results indicate that nonconformities may have interfered with the total coliform analysis.

SUBPART D: RADIOCHEMICAL ANALYSES OF PUBLIC

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WATER SUPPLY SAMPLES

Section 183.405 Scope and Applicability

This Subpart D establishes standards applicable to environmental laboratories involved in radiochemical analyses of samples of water from public water supplies and their sources.

Section 183.406 Length of Certification for Radiochemical Laboratories

The length of certification for radiochemical laboratories analyzing water from public water supplies and their sources shall be 3 years.

Section 183.410 Personnel Requirements

- a) The laboratory director shall be a person holding a minimum of a bachelor's degree in natural or physical sciences with at least 24 semester hours of chemistry or microbiology or both, and shall have had a minimum of five years experience in an environmental laboratory. The laboratory director shall be either a full-time employee or a consultant.
- b) A senior analyst is a full-time employee holding a minimum of a bachelor's degree in chemistry, radiochemistry, radiobiology, technology, or equivalent natural science field and having had at least one year of experience in radiation and radiochemical procedures.
- c) An analyst is a person holding a high school diploma or its equivalent and having had a minimum of six months of training or experience or both in routine radiochemistry. Analysts can perform the measurements of gross alpha and gross beta radioactivity. Analysts may assist in routine sample preparation and radioanalytical procedures provided that such work is supervised and validated by a senior analyst.
- d) An analyst trainee is a person holding a high school diploma or its equivalent. During the period of training, an analyst trainee shall work under the direct supervision of a senior analyst or an analyst, but shall not exercise independent judgement.

Section 183.415 Laboratory Facilities

The laboratory facilities shall meet the following specifications:

- a) A minimum of 150 square feet of floor space shall be provided for each analyst.
- b) A minimum of 15 linear feet of usable bench space shall be provided for each analyst.
- c) In areas where radioactive standards are prepared, bench tops shall be covered with impervious material which may be covered with disposable absorbent paper, or impervious trays lined with absorbent paper shall be available.

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- d) The laboratory shall include a sink with hot and cold running water. All water supply outlets shall be protected by approved vacuum breakers.
- e) An adequate electrical supply for operation of instruments and mechanical needs shall be provided. The certification officer may require verification from an official inspector or other qualified person that the laboratory meets local and national electrical codes.
- f) All electrical outlets shall be properly grounded.
- g) Instruments shall be properly grounded with an internal or external regulated power supply available to each instrument.
- h) All plumbing shall meet local and state plumbing codes. The certification officer may require verification from an official inspector or other qualified person that the laboratory meets such codes.
- i) Natural gas, LP gas, or propane gas supply shall be available.
- j) The laboratory shall include a vacuum source.
- k) A source of distilled water or deionized water or both shall be readily available.
- l) The laboratory shall include at least one fume hood.
- m) Counting instruments shall be located in a room separate from all other analytical activities. The temperature of such room shall be maintained between 60° F (16° C) and 80° F (27° C) and shall not vary under normal operating conditions by more than 3° C.

Section 183.420 Laboratory Equipment and Instrumentation

Instruments that are needed to analyze for the parameters for which the laboratory is being certified shall meet the following minimum specifications.

- a) An analytical balance shall have a precision of plus or minus 0.1 mg and a scale readability of 0.1 mg.
- b) A pH meter shall have an accuracy of at least plus or minus 0.1 units and a scale readability of at least plus or minus 0.1 units. The pH meter may be either line/bench or battery/portable operated.
- c) A specific ion meter shall have an accuracy and scale readability of at least plus or minus 0.1 mv, and shall have expanded scale millivolt capability. The specific ion meter may be either line/bench or battery/portable operated.
- d) A conductivity meter and cell combination, suitable for checking distilled water quality, shall be readable in ohms or mhos, and have a range of up to 2.5 megohm-cm (conductivity down to 0.4 micromhos/cm) plus or minus 1 percent. The conductivity meter may be either line/bench or battery/portable operated.
- e) A drying oven shall be of the gravity convection type. A drying lamp shall be of the infrared type.
- f) Particulate monitors may be a glass or plastic model, depending upon the particular application.
- g) A hot plate shall have a selectable temperature control for safe heating of laboratory reagents.

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- h) Glassware which is used for purposes that may subject it to damage from heat or chemicals shall be of borosilicate glass. All volumetric glassware shall be Class A, denoting that it meets federal specifications and is certified by the manufacturer as meeting the standards established by the American Society for Testing and Materials (ASTM).
- i) A muffle furnace shall be automatically controlled with a chamber capacity of at least 2200 cubic centimeters. The maximum operating temperature of the muffle furnace shall be at least 1100° C intermittent and 1000° C continuous.
- j) A centrifuge shall be capable of attaining a speed of at least 3000 rpm and shall have a loading option of 4 x 50 ml capacity.
- k) A fluorometer shall be capable of detecting 0.0005 micrograms of uranium.
- l) A liquid scintillation system shall be such that the sensitivity of the radioanalysis meets or exceeds the standards specified in this Subpart.
- m) A gas-flow proportional counting system shall have a detector of a "windowless" or "thin window" type. A minimum shielding equivalent to 5 cm of lead shall surround the detector. A cosmic (guard) detector shall be operated in anticoincidence with the main detector. The system shall be such that the sensitivity of the radioanalysis will meet or exceed the standards specified in this Subpart.
- n) A low background alpha and beta counting system other than a gas-flow proportional counting system shall have a cosmic guard detector operated in anticoincidence with the signal from the sample detector, and shielding, such that the alpha background will not exceed 0.2 cpm and the beta background will not exceed 2.0 cpm for a 2 inch diameter counting planchet geometry.
- o) A scintillation system designed for alpha counting and used for the measurement of gross alpha activities or radium-226 shall include a Mylar disc coated with a phosphor (silver-activated zinc sulfide) phosphor tube and is enclosed in a light-tight container. The system shall also include appropriate electronics (high voltage supply, amplifier, and scaler).
- p) A scintillation cell system for specific measurement of radium-226 by the radon emanation method shall include a light-tight enclosure capable of accepting the scintillation cells, a detector (phototube), and the appropriate electronics (high voltage supply, amplifier, timers, and scalers).
- q) A gamma spectrometer system shall include a sodium iodide (NaI(Tl)) crystal, a solid state lithium drifted germanium (Ge(Li)) detector, a high purity germanium detector, or a gamma-X photon detector connected to a multichannel analyzer.
- 1) If a sodium iodide detector is used, the crystal shall be at minimum, a 7.5 cm x 7.5 cm cylindrical crystal, or, preferably, a 10 cm x 10 cm crystal. A minimum shielding equivalent to 10 cm

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of iron shall surround the detector. The multichannel analyzer, in addition to appropriate electronics, shall contain a memory of not less than 200 channels and at least one readout device.

- 2) If a solid state lithium drifted germanium detector, a high purity germanium detector, or a gamma-X photon detector is used, a minimum shielding equivalent to 10 cm of iron shall surround the detector. The multichannel analyzer, in addition to appropriate electronics, shall contain a memory of not less than 200 channels and at least one readout device.

Section 183.425 General Laboratory Practices

- a) Prior to use, all glassware shall be washed in a warm detergent solution and thoroughly rinsed, first in tap water and then in distilled or deionized water. This cleaning procedure is sufficient for most analytical needs, but the procedures specified for individual parameters shall be referred to for more elaborate precautions to be taken against contamination of glassware.
- b) Distilled or deionized water shall have resistivity values of at least 0.5 megohm cm (conductivity less than 2.0 micromhos/cm) at 25° C.
- c) When commercially available, chemicals certified by the manufacturer as being "analytical reagent grade" as specified by the American Chemical Society (ACS) or higher quality chemicals shall be used for all procedures.
- d) An enclosed, properly labeled area shall be available for the safe storage of radioactive material.
- e) There shall be a designated area within the laboratory for preparation of radioactive standards and samples. Appropriate precautions shall be taken in this area to minimize radiation exposure and to prevent radioactive contamination. Provisions shall be made for safe storage and disposal of radioactive wastes, and for monitoring the work area.

Section 183.430 Analytical Methodology

- a) The methods specified in Interim Radiochemical Methodology for Drinking Water, Environmental Monitoring and Support Laboratory, EPA-600-4-75-008, USEPA, Cincinnati, Ohio 45268, or those listed in this Subpart are to be used to determine compliance except in cases where alternative methods have been approved in accordance with this Subpart.

- 1) Gross Alpha and Beta - Part 7110 "Gross Alpha and Gross Beta Radioactivity, Standard Methods for the Examination of Water and Wastewater, 17th Edition, American Public Health Association, Washington, D.C., 1969.
- 2) Methods for the Examination of Water and Wastewater, 17th Edition, American Public Health Association, Washington, D.C., 1969.

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- 3) Radium-226 - Part 7500-RaC "Emanation Method," Standard Methods for the Examination of Water and Wastewater, 17th Edition, American Public Health Association, Washington, D.C., 1989.
- 4) Strontium-89, 90 Part 7500-SrC Total Radioactive Strontium and Strontium-90 "Water," 17th Edition, American Public Health Association, Washington, D.C., 1989.
- 5) Tritium - Part 7500-(3)H "Tritium," Standard Methods for the Examination of Water and Wastewater, 17th Edition, American Public Health Association, Washington, D.C., 1989.
- 6) Cesium-134 - Method ASTM D-3649 "Gamma-Ray Spectrometry High-Resolution," 1991 Annual book of ASTM Standards, Water and Atmospheric Analysis, Volume 11.02, American Society for Testing and Materials, Philadelphia PA, 1991.
- 7) Uranium - Method ASTM D-2907 "Uranium by Direct Fluorometric and Extraction," 1991 Annual book of ASTM Standards, Water and Atmospheric Analysis, Part 11.02, American Society for Testing and Materials, Philadelphia PA, 1991.

AGENCY NOTE: Copies of these standards can be obtained by either contacting the appropriate entity or by contacting the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois 62704. These standards as published and dated are exclusive of subsequent amendments or editions.

- b) When the identification and measurement of radionuclides other than those listed in subsection (a) above is required, the following references are to be followed, except in cases where alternative analytical methods have been approved in accordance with this Subpart:
 - 1) H. L. Krieger and S. Gold, "Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions," EPA-R4-73-014, U.S., Environmental Protection Agency, Cincinnati, Ohio (May 1973), exclusive of any subsequent amendments or editions); or HHS-300, John H. Harley, ed., "HHS Procedure Manual," HHS-300, 1969, exclusive of any subsequent amendments or editions).
 - c) For the purpose of monitoring radioactivity concentrations in drinking water, the required sensitivity of the radioanalysis is defined in terms of a detection limit. The detection limit shall be that concentration which can be counted with a precision of plus or minus 100 percent at the 95 percent confidence level (1.96 sigma (s) where sigma (s) is the standard deviation of the net counting rate of the sample). The standards for detection limits of radioanalyses are as follows:

- 1) To determine compliance with maximum allowable concentration levels for radium-226 and radium-228, the detection limit shall not exceed 1 pCi/l.
- 2) To determine compliance with maximum allowable concentration but levels for gross alpha activity (including radium-226, but excluding radon and uranium) the detection limit shall not exceed

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- 3) To determine compliance with maximum allowable concentration levels for beta particle and photon radioactivity from man-made radionuclides the detection limits shall not exceed the following concentrations:

Radionuclide	Detection Limit
Tritium	1000 pCi/l
Strontium-89	10 pCi/l
Strontium-90	2 pCi/l
Iodine-131	1 pCi/l
Cesium-134	10 pCi/l
Gross beta	4 pCi/l
Other radionuclides(a)	1/10 of the applicable limit

AGENCY NOTE:

- a. As calculated from "Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure," National Bureau of Standards Handbook 69, August, 1963, U.S. Department of Commerce.

- d) To determine compliance with the applicable maximum contaminant levels, average data shall be used and shall be rounded to the nearest significant figures as the maximum contaminant level established for the substance in question.

- e) The Agency may, upon written application, approve the use of an alternative analytical technique. An alternative analytical technique shall not be approved unless the Agency determines that the technique is substantially equivalent to the prescribed test both in precision and accuracy as it relates to the determination of compliance with the applicable maximum contaminant level. Such approval shall be in writing and shall not be effective without the concurrence of the Administrator or the U.S. Environmental Protection Agency.

Section 183.435 Sample Collection, Handling and Preservation

The following requirements for container types and preservation shall be met for each individual parameter(a):

Parameter	Preservative(b)	Container(c)
Gross alpha	Conc HCl or HNO ₃ to pH less than 2(d)	P or G

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Gross beta	Conc HCl or HNO ₃ (3) to pH less than 2(d)	P or G
Strontium-89	Conc HCl or HNO ₃ (3) to pH less than 2	P or G
Strontium-90	Conc HCl or HNO ₃ (3) to pH less than 2	P or G
Radium-226	Conc HCl or HNO ₃ (3) to pH less than 2	P or G
Radium-228	Conc HCl or HNO ₃ (3) to pH less than 2	P or G
Cesium-134	Conc HCl or pH less than 2	P or G
Iodine-131	NONE	P or G
Tritium	NONE	P or G
Uranium	Conc HCl or HNO ₃ (3) to pH less than 2	P or G
Photon emitters	Conc HCl or HNO ₃ (3) to pH less than 2	P or G

AGENCY NOTES:

- (a) If a laboratory has no control over these factors, the laboratory director must reject any samples not meeting these criteria and so notify the authority requesting the analyses.
- (b) Preservative shall be added to the sample at the time of collection, unless suspended solids are to be measured or unless the concentrated acid specified for preservation cannot be added because of shipping restrictions. If it is necessary to ship the sample unpreserved to the laboratory or storage area, acidification may be delayed up to 5 days. After acidification, samples shall be preserved for a minimum of 16 hours before analysis.
- (c) P = Plastic, hard or soft; G = Glass, hard or soft.
- (d) If HCl is used to acidify samples to be analyzed for gross alpha or gross beta activity, the acid salts shall be converted to nitrate salts before transfer of samples to planchets.

Section 183.440 Quality Assurance

- a) A written description of the current laboratory quality assurance program shall be maintained and made available to analysts in an area of the laboratory where analytical work takes place. A record of analytical quality assurance tests and quality assurance checks on materials and equipment shall be prepared and retained for at least 3 years.
- b) A laboratory manual containing complete written instructions for each parameter or method for which the laboratory is certified shall be maintained and made available to analysts in an area of the laboratory where analytical work takes place.
- c) The laboratory shall participate at least twice per year in those U.S. Environmental Protection Agency Performance Evaluation Studies that include parameters and methods for which the laboratory is or desires to be certified. Analytical results shall be within 1.73 times the standard deviation of the specific analysis as described in "Environmental Radioactivity Laboratory Intercomparison Studies Program, Fiscal Year 1981-1982," EPA-600/4-81-004, Table 3, U.S. Environmental Protection Agency (1982), exclusive of subsequent

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- amendments or editions. Results shall be provided to the Agency within 60 days after receipt of a cross check sample. A copy of this publication is available for public inspection at the Department of Nuclear Safety.
- d) The laboratory shall participate at least once per year in the blind Performance Evaluation Study administered by the U.S. Environmental Protection Agency. Analytical results shall be within 1.73 times the standard deviation of the specific analysis as described in "Environmental Radioactivity Laboratory Intercomparison Studies Program, Fiscal Year 1981-1982" for each parameter or method for which the laboratory is or desires to be certified. Results shall be provided to the Agency within 60 days after receipt after the performance evaluation sample.
- e) Operating manuals and calibration protocols for counting instruments shall be available to laboratory personnel.
- f) Calibration data and maintenance records on all radiation instruments shall be maintained in a permanently bound record.
- g) The following quality control procedures shall be utilized by the laboratory on a daily basis:
- 1) To verify internal laboratory precision for a specific analysis, 10 percent or more duplicate analyses shall be performed. If the difference between duplicate analyses exceeds two times the standard deviation of the specific analysis as described in "Environmental Radioactivity Laboratory Intercomparison Studies Program, Fiscal Year 1981-82," EPA-600/81-004, Table 3, prior measurements are suspect, calculations and procedures shall be examined, and samples shall be re-analyzed when necessary.
 - 2) When 20 or more specific analyses are performed each day, a performance standard and a background sample shall be measured with each 20 samples. If less than 20 specific analyses are performed each day, a performance standard and a background sample shall be measured along with the samples, except for low level gamma counting.
 - 3) Quality control performance charts or records shall be maintained for each instrument.
 - h) Weights certified by the manufacturer as meeting the requirements established by the NIST for Class S¹ weights shall be available at the laboratory and used to make periodic checks on balances.
 - i) Chemicals shall be dated upon receipt of shipment and replaced before their shelf life has been exceeded.
 - j) The laboratory should prepare and follow a written quality assurance (QA) plan. The following items should be addressed in each QA plan:
 - 1) Sampling procedures;
 - 2) Sample handling procedures which specify procedures used to remove integrity of all samples (i.e., not taking samples from containers for analysis, or taking samples to final disposition) and receipt by laboratory (each analysis to final disposition) and provide for maintaining and documenting the chain of custody of samples identified to the laboratory as likely to be the basis

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- for enforcement actions;
- 3) Instrument or equipment calibration procedures and frequency of their use;
 - 4) Analytical procedures;
 - 5) Data reduction, validation and reporting, including conversion of raw data to final reported results, insuring accuracy of data transcription and calculations, and procedures and format for reporting data to utilities, the Agency, and other State and Federal agencies;
 - 6) Types of quality control checks and frequency of their use which may include preparation of calibration curves, instrument calibrations, replicate analyses, use of quality control samples or calibration standards and use of quality control charts;
 - 7) Preventive maintenance procedures and schedules;
 - 8) Specific routine procedures used to determine data precision and accuracy for each contaminant measured. Precision is determined based on the results of replicate analyses. Accuracy is normally determined by comparison of results with known concentrations in reagent water standards and by analysis of water matrix samples before and after adding a known contaminant spike;
 - 9) Corrective action contingencies, specifying the laboratory's response to obtaining unacceptable results from analysis of performance evaluation samples and from internal quality control;
 - 10) Laboratory organization and responsibility including a chart or table showing the laboratory organization and line authority and listing the key individuals who are responsible for ensuring the production of valid measurements and the routine assessment of measurement systems for precision and accuracy (e.g., who is responsible for internal audits and reviews of the implementation of the plan and its requirements).
 - k) The quality assurance plan may be a separately prepared quality assurance document or may incorporate, by reference, already available standard operating procedures (SOPs) that are approved by the laboratory director and that address the items listed in subsection (j) above. If a particular listed item is not relevant, the quality assurance plan should state this and provide a brief explanation (e.g., some laboratories do not collect samples and thus are not required to describe sampling procedures). A laboratory quality assurance plan should be concise but responsive to the above-listed items. Minimizing paperwork while improving dependability and quality of data are the intended goals.

Section 183.445 Record Maintenance

- a) Compliance monitoring activities shall be performed using the analytical methodology specified in Section 183.430(a) or approved in accordance with Section 183.430(e). These activities shall be in

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- accordance with written procedures for sample handling, which provide for establishing and maintaining an accurate written record which documents the possession and handling of samples.
- b) Records of radiochemical analyses shall be kept by the laboratory for at least three years. This includes raw data, calculations, quality assurance data, and reports. Actual laboratory reports may be kept. However, data, with the exception of the results of testing required by Section 183.440(c) and (d) compliance check samples may be transferred to tabular summaries which shall include the following information:
 - 1) Date, place, and time of sampling;
 - 2) Name of person who collected the sample;
 - 3) Identification of the sample origin, such as routine distribution sample, check sample, raw or process water sample, surface or ground water sample, or other special purpose samples;
 - 4) Date of receipt of sample;
 - 5) Date of sample analysis;
 - 6) Name of the persons responsible for performing the analysis;
 - 7) Analytical techniques or methods used; and
 - 8) Results of the analysis.
 - c) Computer programs designed and developed in-house shall be verified initially by manual calculations and the calculations shall be available for inspection. Records subject to the Local Records Act (Ill. Rev. Stat. 1991, ch. 116, pars. 43.101 et seq.) [50 ILCS 205/1 et seq.] must be in accordance with the provisions of that Act.

Section 183.450 Action Response to Laboratory Results

When laboratory results indicate that a maximum allowable concentration of any parameter has been exceeded, the person requesting the analysis shall be notified within two business days of the unsatisfactory sample result.

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Section 183.APPENDIX A Methodology and Required Equipment for Inorganic
Chemical Analyses of Public Water Supply Samples

PARAMETER	METHODS	REFERENCE (METHOD NOS.)
ANTHRONY	ASTM	OTHER METHODS
Antimony	204.2 3113	220.9
Atomic Absorption, Flame	200.8	0-1607-87
ICP-Mass Spectrometry, Inductively Coupled Plasma	204.2	0-2072-888
Atomic Absorption, Furnace Technique	204.3	0-1002-855
Atomic Absorption, Gaseous Hydride	204.3	0-2072-888
Spectrophotometric, Silver diethyldithiocarbamate	204.3	0-2072-888
Inductively Coupled Plasma	204.3	0-2072-888
Transmission Electron Microscopy	204.3	0-2072-888
Asbestos	204.3	0-2072-888
Barium	204.3	0-2072-888
Atomic Absorption, Direct Aspiration	204.3	0-2072-888
Atomic Absorption, Furnace Technique	204.3	0-2072-888
Inductively Coupled Plasma	204.3	0-2072-888
Beryllium	204.3	0-2072-888
Atomic Absorption, Furnace Technique	204.3	0-2072-888
Atomic Absorption, Plasma	204.3	0-2072-888
Inductively Coupled Plasma	204.3	0-2072-888
ICP-Mass Spectrometry	204.3	0-2072-888
Cadmium	204.3	0-2072-888
Atomic Absorption, Furnace Technique	204.3	0-2072-888
Inductively Coupled Plasma	204.3	0-2072-888
Chromium	204.3	0-2072-888
Atomic Absorption, Furnace Technique	204.3	0-2072-888
Inductively Coupled Plasma	204.3	0-2072-888
Cobalt	204.3	0-2072-888
Atomic Absorption, Furnace Technique	204.3	0-2072-888
Inductively Coupled Plasma	204.3	0-2072-888
Copper	204.3	0-2072-888
Atomic Absorption, Furnace Technique	204.3	0-2072-888
Inductively Coupled Plasma	204.3	0-2072-888
Lead	204.3	0-2072-888
Atomic Absorption, Furnace Technique	204.3	0-2072-888
Inductively Coupled Plasma	204.3	0-2072-888
Manganese	204.3	0-2072-888
Atomic Absorption, Furnace Technique	204.3	0-2072-888
Inductively Coupled Plasma	204.3	0-2072-888
Mercury	204.3	0-2072-888
Atomic Absorption, Cold Vapor Technique	204.3	0-2072-888
Inductively Coupled Plasma	204.3	0-2072-888
Nickel	204.3	0-2072-888
Atomic Absorption, Furnace Technique	204.3	0-2072-888
Inductively Coupled Plasma	204.3	0-2072-888
ICP-Mass Spectrometry	204.3	0-2072-888
Nitrate	204.3	0-2072-888
Atomic Absorption, Cadmium Reduction	204.3	0-2072-888
Automated Hydrazine Reduction	204.3	0-2072-888
Ion Chromatography	204.3	0-2072-888
Nitrite	204.3	0-2072-888
Atomic Absorption, Cadmium Reduction	204.3	0-2072-888
Automated Hydrazine Reduction	204.3	0-2072-888
Ion Chromatography	204.3	0-2072-888

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PARAMETER	METHODS	REFERENCE (METHOD NOS.)
SELENIUM	ASTM	OTHER METHODS
Atomic Absorption, Furnace Technique	270.2	0-2072-888
Inductively Coupled Plasma	270.2	0-2072-888
ICP-Mass Spectrometry	270.2	0-2072-888
Silver	270.2	0-2072-888
Atomic Absorption, Direct Aspiration	270.2	0-2072-888
Atomic Absorption, Furnace Technique	270.2	0-2072-888
Inductively Coupled Plasma	270.2	0-2072-888
ICP-Mass Spectrometry	270.2	0-2072-888
Sulfide	270.2	0-2072-888
Potentiometric Ion Selective	270.2	0-2072-888
Colorimetric Method with Preliminary Distillation	270.2	0-2072-888
Aluminum	270.2	0-2072-888
Atomic Absorption, Potentiometric	270.2	0-2072-888
Inductively Coupled Plasma	270.2	0-2072-888
ICP-Mass Spectrometry	270.2	0-2072-888
Calcium	270.2	0-2072-888
Atomic Absorption, Direct Aspiration	270.2	0-2072-888
Inductively Coupled Plasma	270.2	0-2072-888
ICP-Mass Spectrometry	270.2	0-2072-888
Copper	270.2	0-2072-888
Atomic Absorption, Direct Aspiration	270.2	0-2072-888
Inductively Coupled Plasma	270.2	0-2072-888
ICP-Mass Spectrometry	270.2	0-2072-888
Lead	270.2	0-2072-888
Atomic Absorption, Direct Aspiration	270.2	0-2072-888
Inductively Coupled Plasma	270.2	0-2072-888
ICP-Mass Spectrometry	270.2	0-2072-888
Nickel	270.2	0-2072-888
Atomic Absorption, Furnace Technique	270.2	0-2072-888
Inductively Coupled Plasma	270.2	0-2072-888
ICP-Mass Spectrometry	270.2	0-2072-888
Nitrate	270.2	0-2072-888
Atomic Absorption, Cadmium Reduction	270.2	0-2072-888
Automated Hydrazine Reduction	270.2	0-2072-888
Ion Chromatography	270.2	0-2072-888
Nitrite	270.2	0-2072-888
Atomic Absorption, Cadmium Reduction	270.2	0-2072-888
Automated Hydrazine Reduction	270.2	0-2072-888
Ion Chromatography	270.2	0-2072-888

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AGENCY NOTES: The Methodology specified in Appendix A of this Part refers to the methods, standards and procedures listed below. Copies of the materials listed below can be inspected at the EPA, 1340 N. 9th St., Springfield, IL. Analysis of the Appendix A contaminants shall be conducted in accordance with the methods in the Table, or their equivalent as determined by the USEPA. Criteria for analyzing arsenic, barium, beryllium, cadmium, calcium, chromium, copper, lead, nickel, selenium, sodium, and thallium with digestion or directly without digestion, and analytical procedures are contained in Technical Notes on Drinking Water Methods, EPA-600/R-94-173, October 1994. This document also contains a list of approved analytical test methods which remain available for compliance monitoring until July 1, 1996. These methods will not be available for use after July 1, 1996. Copies may be obtained from the National Technical Information Service, NTIS PB95-104766, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. The toll free number is 800-553-6847.

1. Methods 150.1, 150.2, and 245.2 are available from US EPA, EMSU, Cincinnati, OH 45268. The identical methods were formerly in "Methods of Chemical Analysis of Water and Wastes", EPA-600/4-79-020, March 1983, which is available at NTIS, PB84-128677.

2. Methods for the Determination of Metals in Environmental Samples-Supplement 1", EPA-600/R-94-111, May 1994. Available at NTIS, PB94-184942.

3. The procedures shall be done in accordance with the 18th edition of "Standard Methods for the Examination of Water and Wastewater", 1992, American Public Health Association. Copies may be obtained from the American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005.

4. The procedures shall be done in accordance with the "Annual Book of ASTM Standards", Vols. 11.01 and 11.02, 1994, American Society for Testing and Materials. Copies may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

5. Techniques of Water Resources Investigation of the United States Geological Survey, Chapter A-1, "Methods for the Determination of Inorganic Substances in Water and Fluvial Sediments," Book 5, Third Edition, 1989. Available from Books and Open-File Reports Section, U.S. Geological Survey, Federal Center, Box 25425, Denver, CO 80225-0425.

6. Method 100.1, Analytical Method for the Determination of Asbestos Fibers in Water", EPA-600/4-83-043, EPA, September 1983. Available at NTIS, PB 83-260471.

7. "Waters Test Method for Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography" Method B-1011. Millipore Corporation, Waters Chromatography Division, 34 Maple Street, Milford, Massachusetts 01754.

8. The procedure shall be done in accordance with the Technical Bulletin 601 "Standard Method of Test for Nitrate in Drinking Water", July 1994, PN 221890-001, Analytical Technology, Inc.

REFERENCE (METHOD NOS.)

APPROVED

METHODS

ASTM

EPA

USEPA

OTHER

METHODS

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Copies may be obtained from ATI Orion, 529 Main Street, Boston, MA 02129.

9. The procedures shall be done in accordance with the Industrial Method No. 129-71M, "Fluoride in Water and Wastewater", December 1972, and Method 380-75ME, "Fluoride in Water and Wastewater", February 1976, Technicon Industrial Systems. Copies may be obtained from Technicon Industrial Systems, Tarrytown, NY 10591.
10. Method 100.2, "Determination of Asbestos Structure Over 10-um Length in Drinking Water", EPA-600/R-94-134, June 1994. Available at NTIS, PB94-201902.
11. "Methods for the Determination of Inorganic Substances in Environmental Samples", EPA-600/R-93-100, August 1993. NTIS, PB 94-121811.
12. Secondary Maximum Contaminant Level (SMCL)-non-enforceable Federal guidance for aesthetic quality. Laboratory certification is not required to perform analyses for contaminants with SMCLs.
13. Laboratories are not required to be certified to test for pH and water temperature because they are measured in the field. Laboratories are not required to be certified to test for calcium, orthophosphate, silica, alkalinity, or conductivity because these parameters are generally used to assist water treatment systems in determining the hardness of the water. The State and States in determining the hardness of the water must be made within an approved method and conducted by a party approved (not certified) by the State.
14. Unfiltered, no digestion or hydrolysis.

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Section 183.APPENDIX B Methodology and Required Equipment for Regulated Organic Chemical Analyses of Public Water Supply Samples

Agency Note: For the purposes of this Appendix B, the following abbreviations are utilized: EPA = U.S.EPA Method; SM = Standard Methods; GC = Gas Chromatography; LLE = Liquid-Liquid Extraction; LSE = Liquid-Solid Extraction; MS = Mass Spectrometry; HPDC = High Performance Liquid Chromatography; GC/MS = Combination Gas Chromatography/Mass Spectrometry.

APPROVED METHODOLOGIES

A. SYNTHETIC ORGANIC CHEMICALS (SOCs)

PARAMETER	METHODOLOGY	EPA	SM
Aldrin	GC, LLE	508	--
Chlordane	GC, Microextraction	505	--
DDT	GC, LSE	508-1	--
Dieldrin	GC/MS, LSE	525-2	--
Endrin			
Heptachlor Epoxide			
Hexachlorobenzene			
Hexachlorocyclopentadiene			
Lindane			
Methoxychlor			
Toxaphene	GC, LLE	508	--
	GC, Microextraction	505	--
	GC/MS, LSE	525-2	--
PCBs(1) (as Aroclors)	GC, Microextraction	505(2)	--
	GC, LSE	508(2)	--
PCB(1)(as deca-chlorobiphenyl)	GC	508A	--
2,4-D	GC, LLE	515-1	--
2,4,5-TP	GC, LSE	515-2	--
Dinoseb	HP/LC	555	--
Picloram			
Pentachlorophenol	GC, LLE	515-1	--
	GC/MS, LSE	525-2	--
	GC, LSE	515-2	--
	HP/LC	555	--
Dalapon	GC	515-1	--

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PARAMETER	METHODOLOGY	EPA	SM
Alachlor	GC, LSE	552.1	--
Atrazine	GC, Microextraction	505(3)	--
Simazine	GC, LLE	507	--
	GC/MS, LSE	525.2	--
	GC, LSE	508.1	--
Di(2-ethylhexyl)adipate	GC, LLE or GC, LSE	506	--
Di(2-ethylhexyl)phthalate	GC/MS, LSE	525.2	--
Carbofuran	HP/LC	531.1	6610
Oxaryl	GC, Microextraction	504.1	--
Dibromochloropropane (DBCP)	GC, LLE	551	--
Ethylene dibromide (EDB)	GC, LLE	551	--
Benzo(a)pyrene	GC/MS, LSE	525.2	--
	HP/LC, LLE	550	--
	HP/LC, LSE	550.1	--
Diquat	HP/LC, LSE	549.1	--
Endothall	GC or GC/MS, LSE	548.1	--
Glyphosate	HP/LC	547	6651
2,3,7,8-TCDD(Dioxin)	High Resolution GC/ High Resolution MS	1613	--
B. VOLATILE ORGANIC CONTAMINANTS REGULATED			
PARAMETER	METHODOLOGY	EPA	SM
Total Trihalomethanes (THMs)	GC, Purge and trap	502.2	--
	GC, LLE	551	--
	GC/MS, Purge and trap	524.2	--
Benzene	GC, Purge and trap	502.2	--
Dichloromethane	GC/MS, Purge and trap	524.2	--
o-dichlorobenzene			
p-dichlorobenzene			
1,2-dichloroethane			
1,1-dichloroethylene			
cis-1,2-dichloroethylene			
trans-1,2-dichloroethylene			

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PARAMETER	METHODOLOGY	EPA	SM
1,2-dichloropropane			
Ethylbenzene			
Monochlorobenzene			
Styrene			
Toluene			
1,2,4-trichlorobenzene			
1,1,2-trichloroethane			
Vinyl chloride			
Xylenes (total)			
Carbon tetrachloride	GC, Purge and trap	502.2	--
Tetrachloroethylene	GC/MS, Purge and trap	524.2	--
1,1,1-trichloroethane	GC, LLE	551	--
Trichloroethylene			
C. VOLATILE ORGANIC CONTAMINANTS UNREGULATED			
1,2,3-trichloropropane(5)	GC, Purge and trap	502.2	--
	GC/MS, Purge and trap	524.2	--
	GC, Microextraction	504.1	--
Volatile Organic Contaminants Unregulated(4,5)	GC, Purge and trap	502.2	--
	GC/MS, Purge and trap	524.2	--
D. SOCS UNREGULATED(5)			
Butachlor	GC, LLE	507	--
	GC/MS, LSE	525.2	--
Metolachlor	GC, LLE	507	--
Metribuzin	GC, LSE	508.1	--
	GC/MS, LSE	525.2	--
Propachlor	GC, LLE	508	--
	GC, LSE	508.1	--
	GC/MS, LSE	525.2	--
Aldicarb	HP/LC	531.1	6610
PARAMETER			
Aldicarb Sulfonide	METHODOLOGY	EPA	SM
Aldicarb Sulfone			
Carbaryl			
3-hydroxycarbofuran			

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PARAMETER	METHODOLOGY	EPA	SM
Methomyl			
	GC, LLE	515.1	--
DiCanba	GC, LSE	515.2	--
	HPLC	555	--

AGENCY NOTES: The methodology specified in Appendix B of this Part refers to the methods, standards and procedures listed below. Copies of the materials listed below can be inspected at the EPA, 1340 N. 9th St., Springfield, IL. Analyses for the contaminants in Appendix B shall be conducted using the following United States Environmental Protection Agency (USEPA) methods or their equivalent as approved by USEPA. Methods 502.2, 505, 507, 508, 508A, 515.1 and 531.1 are in "Methods for the Determination of Organic Compounds in Drinking Water", EPA-600/4-88-039, December 1988, Revised July 1991. Methods 506, 547, 550, 550.1 and 551 are in "Methods for the Determination of Organic Compounds in Drinking Water-Supplement I", EPA-600/4-90-020, July 1990. Methods 515.1, 524.2, 548.1, 549.1, 552.1 and 555 are in "Methods for the Determination of Organic Compounds in Drinking Water-Supplement II", EPA-600/R-92-129, August 1992. Method 1613 is titled "Tetra-through Octa-Chlorinated Dioxin and Furans by Isotope-Dilution HRGC/HRMS", EPA-821-B-94-005, October 1994. Copies may be obtained from the National Technical Information Service, NTIS, PB91-231480, PB91-146077, PB92-207703 and PB95-104774, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. The toll-free number is 800-553-6847. Method 6651 shall be followed in accordance with the 18th edition of "Standard Methods for the Examination of Water and Wastewater", 1992, American Public Health Association. Copies may be obtained from the American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005. Method 6610 shall be followed in accordance with the Supplement to the 18th edition of "Standard Methods for the Examination of Water and Wastewater", 1994, American Public Health Association. Copies may be obtained from the American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005. Other analytical test procedures are contained in Technical Notes on Drinking Water Methods, EPA-600/R-94-173, October 1994, NTIS, PB95-104766. This document also contains approved analytical methods which remain available for compliance monitoring until July 1, 1996. These methods will not be available for use after July 1, 1996. EPA Methods 504.1, 508.1 and 525.2 are available from USEPA-ENSL, Cincinnati, OH 45268. The phone number is 513-563-7586.

1. PCBs are qualitatively identified as Aroclors and measured for compliance purposes as decachlorobiphenyl.
2. Each system which monitors for PCBs shall analyze each sample using either Method 505 or Method 508. If detected in 505 or 508, systems must confirm using Method 508A.
3. A nitrogen-phosphorus detector should be substituted for the electron capture detector in Method 505 (or another approved method should be used) to determine alachlor, atrazine and

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4. simazine, if lower detection limits are required.
5. The complete list of unregulated volatile organic chemicals can be found in 40 CFR 141.40.
6. Approval, not certification, granted for unregulated/monitored contaminants.

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED REPEALER

- 1) **Heading of the Part:** Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories

- 2) **Code Citation:** 35 Ill. Adm. Code 183

Proposed Action:

- 3) **Section Numbers:**
 183.105 183.255
 183.110 183.305
 183.115 183.310
 183.120 183.315
 183.125 183.320
 183.130 183.325
 183.131 183.330
 183.132 183.335
 183.133 183.340
 183.134 183.345
 183.135 183.350
 183.140 183.355
 183.145 183.360
 183.150 183.365
 183.155 183.370
 183.160 183.405
 183.165 183.406
 183.170 183.410
 183.205 183.415
 183.210 183.420
 183.215 183.425
 183.220 183.430
 183.225 183.435
 183.230 183.440
 183.231 183.445
 183.235 183.450
 183.240 183.455
 183.245 183.460
 183.250

- 4) **Statutory Authority:** Section 1401(1)(d) of the Safe Drinking Water Act (42 U.S.C. 300f(1)(D)), Subpart C of the National Primary Drinking Water Regulations (40 CFR 141.21 through 141.30 (1991)), the Illinois Environmental Protection Act [415 ILCS 5] and the Civil Administrative Code of Illinois [20 ILCS 5].

- 5) **A Complete Description of the Subjects and Issues Involved:** This joint rulemaking will repeal the joint rules for certification of environmental laboratories. All agencies have found that placing these regulations in 3 separate Parts will facilitate their timely amendment and will serve the

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED REPEALER

affected public better in the future. To this end, all 3 agencies will propose and adopt separate rulemakings for certification and operation of environmental laboratories prior to the adoption of this proposed repealer for Part 183.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? Yes
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) **Statement of Statewide Policy Objectives:** This repealer will not require new or additional expenditures on the part of units of local government.
- 11) **Time, Place and Manner** in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments in writing within 45 days after this issue of the Illinois Register to:

Thomas J. Carlisle
 Senior Staff Attorney
 Department of Nuclear Safety
 1035 Outer Park Drive
 Springfield, IL 62704
 (217) 785-9884 (voice)
 (217) 782-6133 (TDD)

12) **Initial Regulatory Flexibility Analysis:**

- A) Types of small businesses, small municipalities and not for profit corporations affected: Environmental laboratories involved in radiochemical analyses of water samples from public water supplies and their sources.

- B) Reporting, bookkeeping or other procedures required for compliance: Procedures previously required under this Part are being repealed.

- C) Types of professional skills necessary for compliance: Compliance with this Part is being repealed.

- 13) **Regulatory Agenda** on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: Final plans by all 3 agencies for adoption of separate Parts had not been finalized.

The full text of the Proposed Repealer begins on page of this issue of the Illinois Register following the Notice Page for the Environmental

DEPARTMENT OF NUCLEAR SAFETY
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Protection Agency.

1) Heading of the Part: Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories

2) Code Citation: 35 Ill. Adm. Code 183

3) Section Numbers: Proposed Action:

183.105 183.255 Repeal
183.110 183.305 Repeal
183.115 183.310 Repeal
183.120 183.315 Repeal
183.125 183.320 Repeal
183.130 183.325 Repeal
183.131 183.330 Repeal
183.132 183.335 Repeal
183.133 183.340 Repeal
183.134 183.345 Repeal
183.135 183.350 Repeal
183.140 183.355 Repeal
183.145 183.360 Repeal
183.150 183.365 Repeal
183.155 183.370 Repeal
183.160 183.405 Repeal
183.165 183.406 Repeal
183.170 183.410 Repeal
183.205 183.415 Repeal
183.210 183.420 Repeal
183.215 183.425 Repeal
183.220 183.430 Repeal
183.225 183.435 Repeal
183.230 183.440 Repeal
183.231 183.445 Repeal
183.235 183.450 Repeal
183.240 183.450 Repeal
183.245 183.450 Repeal
183.250 183.450 Repeal

4) Statutory Authority: Section 1401(1)(d) of the Safe Drinking Water Act (42 U.S.C. 300f(1)(D)), Subpart C of the National Primary Drinking Water Regulations (40 CFR 141.21 through 141.30 (1991)), the Illinois Environmental Protection Act (415 ILCS 5) and the Civil Administrative Code of Illinois (20 ILCS 5).

5) A. Complete Description of the Subjects and Issues Involved: This joint rulemaking will repeal the joint rules for certification of environmental laboratories. All 3 agencies have found that placing these regulations in 3 separate Parts will facilitate their timely amendment and will serve the

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217/782-2043
E-Mail: rules@dph.state.il.us
12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not for profit corporations affected: Laboratories certified by the Department to perform microbiological analyses of public water supplies.
- B) Reporting, bookkeeping or other procedures required for compliance: Procedures previously required under this Part are being repealed.
- C) Types of professional skills necessary for compliance: Compliance with this Part is being repealed.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: Final plans by all 3 agencies for adoption of separate Parts had not been finalized.

The full text of the Proposed Repealer begins on page of this issue of the Illinois Register following the Notice Page for the Environmental Protection Agency.

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affected public better in the future. To this end, all 3 agencies will propose and adopt separate rulemakings for certification and operation of environmental laboratories prior to the adoption of this proposed repealer for Part 183.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? Yes

- 9) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
183.1105	Amendment	21 Ill. Reg. 14115
183.1115	Amendment	21 Ill. Reg. 14115
183.1120	Amendment	21 Ill. Reg. 14115
183.1130	Amendment	21 Ill. Reg. 14115
183.1150	Amendment	21 Ill. Reg. 14115
183.305	Repeal	21 Ill. Reg. 14115
183.310	Repeal	21 Ill. Reg. 14115
183.315	Repeal	21 Ill. Reg. 14115
183.320	Repeal	21 Ill. Reg. 14115
183.325	Repeal	21 Ill. Reg. 14115
183.330	Repeal	21 Ill. Reg. 14115
183.335	Repeal	21 Ill. Reg. 14115
183.340	Repeal	21 Ill. Reg. 14115
183.345	Repeal	21 Ill. Reg. 14115
183.350	Repeal	21 Ill. Reg. 14115
183.355	Repeal	21 Ill. Reg. 14115
183.360	Repeal	21 Ill. Reg. 14115
183.365	Repeal	21 Ill. Reg. 14115
183.370	Repeal	21 Ill. Reg. 14115

- 10) Statement of Statewide Policy Objectives: This repealer will not require new or additional expenditures on the part of units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may present their comments in writing within 45 days after this issue of the Illinois Register to:

Gail M. DeVito
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, 5th Floor
Springfield, IL 62761

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) **Heading of the Part:** Riverboat Gambling
- 2) **Code Citation:** 86 Ill. Adm. Code 3000
- 3) **Section Numbers:**
3000.1071
Proposed Action:
Amendment
- 4) **Statutory Authority:** Riverboat Gambling Act [230 ILCS 10]
- 5) **A Complete Description of the Subjects and Issues Involved:** On December 2, 1997, the General Assembly passed House Bill 452, which became Public Act 90-548 upon approval by the Governor. Among its numerous provisions, P.A. 90-548 amended the Riverboat Gambling Act to establish, effective January 1, 1998, graduated wagering tax rates based on the annual adjusted gross receipts of riverboat casino owners. This rulemaking is intended to provide clarification and guidance to the owner licensees responsible for payment of the wagering tax. The proposed amendment reorganizes provisions of the current rule in a more orderly manner, specifies the new graduated rates are based on each calendar year's accumulated adjusted gross receipts, and provides adjustments for gaming days commencing prior to January 1, 1998, are taxed at the flat rate of 20% of adjusted gross receipts applicable to that period. The amendment incorporates in rule provisions previously only contained in the daily tax schedules relating to adjustments, computer format, and net wagering loss carryover. The grounds for requesting a waiver of penalties and interest for late tax schedule filing and late tax payments, and the procedure for the appeal of the denial of such a waiver, are established in rule.
- 6) **Will this proposed amendment replace any emergency amendments currently in effect?** No
- 7) **Does this rulemaking contain an automatic repeal date?** No
- 8) **Does this proposed amendment contain incorporations by reference?** No
- 9) **Are there any other proposed amendments pending on this Part?** Yes

Section Numbers	Proposed Action	Illinois Register Citation
3000.100	Amendment	21 Ill. Reg. 13444; 10/10/97
3000.150	Amendment	21 Ill. Reg. 13444; 10/10/97
3000.220	Amendment	21 Ill. Reg. 13444; 10/10/97
3000.221	New	21 Ill. Reg. 13444; 10/10/97
3000.405	Amendment	21 Ill. Reg. 13444; 10/10/97
3000.410	Amendment	21 Ill. Reg. 13444; 10/10/97
3000.600	Amendment	21 Ill. Reg. 13444; 10/10/97
3000.660	Amendment	21 Ill. Reg. 13444; 10/10/97
3000.1070	Amendment	21 Ill. Reg. 13444; 10/10/97

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3000.1125
3000.1126
Amendment
21 Ill. Reg. 13444; 10/10/97
Amendment
21 Ill. Reg. 13444; 10/10/97
- 10) **Statement of Statewide Policy Objectives:** This proposed amendment does not affect units of local government.
- 11) **Time, Place and Manner in which interested persons may comment on this proposed rulemaking:** Any interested party may submit comments in writing concerning this proposed rulemaking by no later than 45 days after publication of this notice to:
- Mareile B. Cusack
Chief Counsel
Illinois Gaming Board
160 N. La Salle, Suite 300S
Chicago, IL 60601
(312)814-4700; FAX (312)814-8798
- 12) **Initial Regulatory Flexibility Analysis:**
- A) **Types of small business, small municipalities and not for profit corporations affected:** None
- B) **Reporting, bookkeeping, or other procedures required for compliance:** None
- C) **Types of professional skills necessary for compliance:** None
- 13) **Regulatory Agenda on which this rulemaking was summarized:** This proposed amendment was not included on the two most recent regulatory agendas because: The legislation requiring the amendment, Public Act 90-548, did not become law until December 4, 1997.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment published in this edition of the Illinois Register that begins on page 678.

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- 1) Heading of the Part: Office of Inspector General Investigations of Alleged Abuse or Neglect and Deaths in State-Operated and Community Agency Facilities

- 2) Code Citation: 59 Ill. Adm. Code 50

- 3) Section Numbers:
- | | |
|-------|------------------|
| 50.10 | Proposed Action: |
| 50.20 | New Section |
| 50.30 | New Section |
| 50.40 | New Section |
| 50.50 | New Section |
| 50.60 | New Section |
| 50.70 | New Section |
| 50.80 | New Section |

- 4) Statutory Authority: Implementing and authorized by Section 6.2 of the Abused and Neglected Long Term Care Facilities Reporting Act [210 ILCS 30/6.2].

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will implement Senate Bill 386 (P.A. 89-427, effective December 7, 1995) which amended the Inspector General provisions of the Abused and Neglected Long Term Care Facilities Reporting Act (210 ILCS 30/6.2) to require the Inspector General to conduct investigations and report on the initiating, conducting and completing investigations by the Office of the Inspector General of allegations of abuse or neglect in community agencies and State-operated facilities.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule contain incorporation by reference? Yes

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act [30 ILCS 805].

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to:

Susan Warner-Weir, Bureau Chief
Bureau of Administrative Rules and Procedures

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Legal Administration
Department of Human Services
100 South Grand Avenue East
Springfield IL 62762
Telephone: 217/785-9772
FAX: 217/557-1547

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small business affected: This rulemaking will affect State-funded community providers of mental health and developmental disabilities services.
- B) Reporting, bookkeeping or other procedures required for compliance: Community agencies will be required to report allegations of abuse or neglect and deaths to the Office of Inspector General.

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Rules begins on the next page:

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TITLE 59: MENTAL HEALTH

PART 50

OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS OF ALLEGED ABUSE OR NEGLECT AND DEATHS IN
STATE-OPERATED AND COMMUNITY AGENCY FACILITIES

Section

- 50.10 Definitions
 50.20 Reports of allegations of abuse, neglect and death
 50.30 Responsibilities of OIG for intake assessment
 50.40 Method of investigation
 50.50 Conduct of the investigation
 50.60 Investigative file and preliminary report
 50.70 Completed investigations and final report
 50.80 Appeals process for findings of investigations

AUTHORITY: Implementing and authorized by Section 6.2 of the Abused and Neglected Long Term Care Facilities Reporting Act [210 ILCS 30/6.2].

SOURCE: Adopted at 22 Ill. Reg. _____, effective _____.

Section 50.10 Definitions

For the purposes of this Part, the following terms are defined:

"Abuse." Any physical abuse, sexual abuse, or mental abuse inflicted on an individual other than by accidental means.

"Physical abuse." Any direct physical mistreatment of an individual by an employee of a community agency or facility, such as hitting, kicking, pinching, choking, shoving, pushing, biting, slapping, punching, striking with an object, burning, dragging, or cutting, with or without an injury.

"Sexual abuse." Any sexual penetration, molestation, or exploitation of an individual by an employee of the community agency or facility.

"Sexual penetration." Any contact, however slight, between the sex organ of one person and the sex organ, mouth, or anus of another person, or any animal or object inserted into the sex organ or anus of another person for the purpose of sexual gratification or arousal of either person.

"Sexual molestation." Any intentional or knowing touching or fondling by one person, either directly or through clothing, of

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the sex organs, anus, or breast of the other person, for the purpose of sexual gratification or arousal of either person.

"Sexual exploitation." The sexual use of an individual for another person's sexual gratification, arousal, advantage, or profit.

"Mental abuse." Includes verbal abuse, psychological abuse or exploitation by an employee.

"Verbal abuse." The use of words by an employee toward or about and in the presence of an individual(s) which a reasonably prudent person would believe to, or the employee knows for that particular individual will, demean, curse, intimidate, harass, cause emotional anguish or distress, threaten harm, or knowingly precipitate maladaptive behavior on the part of the individual(s) whether or not there is a psychological injury.

"Psychological abuse." The use of signs, gestures or other actions by an employee toward or about and in the presence of an individual(s) which a reasonably prudent person would believe to, or the employee knows for that particular individual will, demean, curse, intimidate, harass, cause emotional anguish or distress, threaten harm, or knowingly precipitate maladaptive behavior on the part of the individual(s).

"Exploitation." Any act of forcing, compelling, coercing, or enticing an individual(s) to perform services for the advantage of another, with or without an injury.

Abuse also means any physical, sexual or mental abuse resulting in a serious injury inflicted on an individual by another individual.

"Access." For the purpose of the Office of Inspector General's (OIG) investigations of allegations of abuse or neglect or death, means admission to a community agency or facility, interviewing appropriate individuals and employees, and obtaining any documents or records pertinent to the investigation. For a community agency, this must be granted by the community agency's authorized representative or his or her designee through a mutually agreed scheduling with OIG, unless OIG has cause to believe that the individual(s) is at risk of imminent danger or that advance notice may unduly hinder the investigation or make it ineffectual.

"Accidental." Occurring unexpectedly or by chance without intent or violation.

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"Act." The Abused and Neglected Long Term Care Facility Resident Reporting Act (210 ILCS 30).

"Allegation." Any assertion, complaint, suspicion or incident where abuse or neglect of an individual(s) may have occurred.

"Authorized representative." The administrative head or executive director of a community agency appointed by the community agency's governing body with overall responsibility for fiscal and programmatic management, or the facility director or hospital administrator of a Department facility. If this person is implicated in an investigation, the governing body of the community agency or the Secretary of the Department shall be deemed the authorized representative for that investigation.

"Community agency." Any community entity or program providing mental health or developmental disabilities services that is licensed, certified or funded by the Department and not licensed or certified by any other human service agency of the State (e.g., Departments of Public Health, Public Aid, and Children and Family Services).

"Complainant." Any person who reports an allegation of abuse or neglect or death directly to OIG with the exception of self reporting by a community agency or facility.

"Complaint." An allegation of abuse or neglect or a death reported directly to OIG through any other means except self-reports by the community agency or facility.

"Days." Calendar days, unless otherwise specified.

"Death." The cessation of life as determined by certified medical personnel and pronounced such by a Coroner.

"Department." The Department of Human Services.

"Employee." Any person providing services at the direction of the owner or operator of the facility or community agency on or off site. This includes payroll personnel, contractors, subcontractors, and volunteers.

"Facility." A mental health and/or developmental disabilities center operated by the Department.

"Final report." A completed investigative report by the Inspector General that summarizes the evidence and that indicates whether the allegation of abuse or neglect is substantiated, unsubstantiated, or unfounded based on the evidence gathered from the investigation.

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the authorized representative responds to the preliminary report, the final report shall include a copy of such response. The final report shall not contain actual or copies of witness statements, investigation notes, draft summaries, results of lie detector tests, investigative files or other raw data that was used to compile the final report (Section 6(6) of the Act)). The completed investigative report shall become final at the end of the reconsideration/response period.

"Imminent danger." A preliminary determination of immediate, threatened or impending risk of illness, mental injury, or physical injury to an individual(s) as would cause a reasonably prudent person to take immediate action and which is not immediately corrected, such as environmental or safety hazards.

"Individual." Any person receiving mental health or developmental disabilities services in a program operated, licensed, certified, or funded by the Department and not licensed or certified by any other human service agency in the State.

"Medical treatment." Any treatment ordered or rendered to an individual by a physician regarding an injury allegedly sustained as a result of alleged abuse or neglect. The use of a diagnostic procedure, such as x-rays or laboratory tests, with no subsequent medical treatment, does not in itself constitute medical treatment.

"Neglect." Any act or omission by a community agency or facility or employee thereof that:

Fails to carry out required and appropriate clinical services, habilitation, or treatment as ordered by a physician or other authorized personnel that is the proximate cause of psychological harm or physical injury to an individual. Consideration shall be given in instances when the right of the individual to refuse such clinical services, treatment or habilitation is asserted; or Endangers an individual's health or safety or fails to respond to an obvious and immediate need of an individual, regardless of whether or not there is an injury; or

Results in any documented physical injury to an individual the circumstances or nature of which would cause a reasonably prudent person to believe neglect by the community agency or facility has occurred. Consideration shall be given in instances when the individual or preventable harm to the individual is not the result of individual actions that are allegedly the result of employee or facility neglect; or

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Results in any incident that would cause a reasonably prudent person to believe neglect by an employee, community agency or facility has occurred, including:

Any unauthorized absence:

Any individual to individual sexual penetration, sexual molestation, or sexual exploitation where one of the participants is unwilling or unable to consent to sexual activity; or

Exploitation of a recipient by another recipient.

"Non-serious injury." Any injury that does not fit the definition of "serious injury" as defined in this Section. This type of injury may not require a physician assessment but does require a nursing assessment. Included in this classification are practically all injuries that are described as red marks, scratches, superficial bruises, abrasions, lacerations not requiring sutures, sprains, jammed fingers or toes, discolorations and similar injuries that are not suspected to result from abuse or neglect.

"OAL." The Department's Office of Accreditation and Licensure.

"OIG." The Office of Inspector General of the Department.

"OIG representative." An employee of OIG who is qualified as an investigator according to the qualifications established by the Central Management Services of the State of Illinois.

"Preliminary report." A summary of the evidence in an investigation with a recommendation as to whether the findings of the investigation indicate that the allegation should be substantiated, unsubstantiated, or unfounded. The preliminary report shall not contain actual or copies of witness statements, investigation notes, draft summaries, results of lie detector tests, investigative files, or other raw data that was used to compile the preliminary report.

"Preponderance of the evidence." Proof sufficient to persuade the finder of fact that a proposition is more likely true than not true.

"Reasonably prudent person." Someone who exercises good judgment and common sense. A reasonably prudent person has average intelligence and perception.

"Required reporter." Any employee and any person employed by the Department who suspects, witnesses, or is informed of an allegation of abuse or neglect or death shall be deemed the required reporter for

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purposes of this Part.

"Routine programmatic." Refers to services provided as part of the individual's habilitation plan, treatment plan, or as a regular or ongoing component of the community agency's or facility's general services or practices.

"Secretary." The Secretary of the Department or his or her designee.

"Self report." A report of an allegation of abuse or neglect or death in a program or activity for which a community agency or facility has administrative responsibility and which is reported to OIG by that community agency or facility through the formal reporting process in accordance with this Part.

"Serious injury." An injury such as:

A laceration requiring sutures, a complete or partial fracture of any bone, loss of teeth, second or third degree burn, severed extremity, any injury that results in a severe impairment, temporary or permanent disfigurement, threatens life, results in temporary or permanent loss of use of limb or loss of consciousness, results in a grand mal seizure or any other injury for which a reasonably prudent person would obtain medical treatment; or

An injury that potentiates transmission of serious infectious disease. An injury of this type may occur when the following elements are present:

One individual is known or reasonably suspected to have a serious infectious disease;

The injury is of a type that could transmit a serious infectious disease; and

One recipient is known not to have, or it is reasonably believed that he or she does not have, a serious infectious disease; or

An injury that is initially classified as non-serious but at some point becomes serious (for example, a contusion to the head that is found to be a serious hematoma or results in internal bleeding).

"Substantiated." A preponderance of the evidence found during any investigation indicates that abuse or neglect occurred.

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"Substantial evidence." Such evidence as a reasonable person can accept as adequate to support a conclusion.

"Temporary absence." A home visit, unauthorized absence and any other situation where the individual is a resident of the facility or community agency but not either physically in the facility or community agency or on the facility or community agency campus.

"Unauthorized absence." When an individual leaves the facility or community agency without permission and without the direct and ongoing observation of staff.

"Unfounded." There is no credible evidence that abuse, neglect, or both occurred.

"Unsubstantiated." There is credible evidence, but less than a preponderance of evidence to show that abuse, neglect, or both occurred.

Section 50.20 Reporting allegations of abuse, neglect and death

a) Self-reporting - facility or community agency employees

1) If an employee witnesses, is told of, or has reason to believe an incident of abuse or neglect or a death has occurred, the employee shall report the allegation according to the community agency's or facility's established procedures. Such employee shall be deemed the "required reporter" for purposes of this Part.

2) Within one hour after the discovery of an incident of alleged abuse or neglect or a death, the authorized representative or his or her designee of the community agency or facility shall report to OIG using the OIG hotline number 1-800-368-1463. This includes:

- A) Any allegation of abuse that may be the result of any action by an individual or employee;
 - B) Any allegation of neglect that may be the result of any action or omission by a community agency, facility, or an employee thereof; and
 - C) Any death of an individual that occurs either within a facility program or within 14 days after discharge, transfer or deflection.
- 3) Within 24 hours after the discovery of any serious injury to an individual, however inflicted (including self-injury), that is not alleged to be the result of abuse or neglect, the authorized representative or his or her designee of the community agency or facility shall report the injury to OIG using the OIG hotline number 1-800-368-1463.

4) Within 24 hours after the discovery of the following types of

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incidents, but no less frequently than monthly, the authorized representative or his or her designee of the community agency or facility shall report to the OIG using the OIG hotline number 1-800-368-1463. This includes repeated individual-to-individual injuries.

A) All serious or non-serious injuries that occur to an individual or are caused by an individual when the injuries occur three times a month (or more); and

B) Incidents with any serious or non-serious accidental injury involving more than two individuals.

5) Required reporter - facility

The required reporter of a facility is required to complete the prescribed OIG form (OMHDD-107) for reporting alleged abuse, neglect, and death and submit the form to the authorized representative or his or her designee according to facility procedures.

6) Required reporter - community agency

The required reporter of a community agency is required to complete a form designated by the community agency and submit the form to the authorized representative or his or her designee according to community agency procedures.

7) Verbal reporting - community agency or facility

Community agency or facility procedures may allow employees to report allegations verbally to the selected community agency supervisor, facility designee, or the designated representative or supervisor (facility officer), provided that the designee then completes the form required by the community agency or facility.

8) Screening of reports prohibited - community agency or facility

Screening or otherwise withholding reports of incidents or allegations of abuse or neglect from OIG is not allowed.

9) Completion of OIG-required form - community agency or facility

The authorized representative or his or her designee shall submit the completed OIG-required form for reporting alleged abuse, neglect, and a death to OIG by fax or by mail within 24 hours after telephoning the report to the OIG hotline.

A) Reporting to OIG shall not relieve the community agency or facility from any other statutory or regulatory reporting requirements applicable to the community agency or facility.

B) The authorized representative or his or her designee who reviews the prescribed OIG form for reporting alleged abuse, neglect, or death at the respective community agency or facility shall not delete, delay, withhold, limit, or otherwise restrict any of the information as contained on the OIG prescribed reporting form. Information as contained on the authorized representative or his or her designee for clarification purposes only.

10) Direct notification to OIG - community agency or facility employees

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Community agency or facility employees may notify OIG directly of an allegation of abuse or neglect or a death (in lieu of following established community agency or facility procedures) by using the OIG hotline, fax or mail, if the community agency or facility employee believes that such method of notification is necessary, without being subject to discipline for failure to comply with community agency or facility reporting procedures. An employee notifying OIG in this way shall be considered the complainant in the case.

- b) OIG hotline
The OIG hotline (#1-800-368-1463) shall be communicated to individuals and guardians at the time of admission.
- c) Other reports - complainant
 - 1) Any other person, individual, family member, guardian, advocate, or staff from another community agency or facility who witnesses, is told or has reason to believe an incident of alleged abuse or neglect involving an individual may have occurred, may report the incident to OIG by telephoning the OIG hotline, or in writing by fax or mail.
 - 2) The OIG representative shall notify the authorized representative or his or her designee of the community agency or facility that an allegation has been received unless such notification compromises the integrity of the investigation, such as, an allegation involving the authorized representative or his or her designee or in cases of imminent danger.
- d) Training and technical assistance
Any person, community agency, or facility may request training or technical assistance from OIG in identifying, reporting, investigating and preventing abuse or neglect, or participation in applicable OIG-sponsored training as referenced in Section 6.5 of the Act.
- e) Misleading reports
Nothing in this rule protects persons who knowingly make misleading reports to harass or compromise community agency or facility effectiveness from action available to either the community agency or facility. Nothing in this Part prohibits OIG, other enforcement authorities, or any employees jeopardized by such reporting from obtaining allowable remedies.
- f) Notification of individual
The authorized representative shall notify the individual who was allegedly abused or neglected and his or her legal guardian of the allegation within 24 hours after receiving the allegation.

Section 50.30 Responsibilities of OIG for intake assessment

- a) Availability of OIG representative
An OIG representative shall be available 24 hours a day to receive reports of allegations of abuse, neglect or death and provide any technical assistance with filing the required OIG prescribed form for

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- b) reporting alleged abuse, neglect, and death.
Responsibility of OIG representative receiving the report of the allegation is The OIG representative receiving the report of the information received at responsible for assessing, based on the information received at intake, whether the allegation could constitute abuse or neglect and whether OIG has the authority to investigate in accordance with the Act.
- c) Reports involving routine programmatic, licensure or certification matters
 - 1) OIG shall have no supervision over or involvement in routine, programmatic, licensure, or certification operations of OAH, the Department, or any of its funded agencies. (Section 6.2(a) of the Act).
 - 2) If the reported allegation relates to licensure or certification standards and is deemed not to be abuse or neglect, OIG shall refer the allegation to OAH and notify the community agency or facility and/or the complainant of such referral in writing.
 - 3) If the reported allegation relates to routine programmatic operations and is deemed not to be abuse or neglect, OIG shall refer the allegation to the appropriate office of the Department and notify the community agency or facility and/or complainant of such referral in writing.
 - d) Investigations by two or more State agencies
When two or more State agencies could investigate an allegation of abuse or neglect at a community agency, OIG shall not conduct an investigation that is redundant to an investigation conducted by another State agency (Section 6.2(a) of the Act) unless another State agency has requested that OIG participate in the investigation (such as the Departments of State Police, Children and Family Services, or Public Health).
 - e) Referral to the Department of State Police
The Inspector General shall, within 24 hours after receiving a report of an allegation of abuse or neglect or death, determine whether the evidence indicates that any possible criminal act has been committed and that law enforcement participation is required, and shall refer such allegations to the Department of State Police for investigation in accordance with Section 6.2(b) of the Act.
 - f) Referral to the appropriate authority
If the reported allegation is not within OIG authority or does not constitute abuse or neglect or death, the OIG representative shall document receipt of the report and provide the authorized representative of his or her designee and complainant with the appropriate referral information in writing.
 - g) Authorized representative - community agency
If the allegation constitutes abuse or neglect or death and is within the jurisdiction of OIG, the authorized representative of his or her designee of a community agency shall:
 - 1) Ensure the immediate health and safety of involved individuals

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- and employees, including ordering medical examinations when applicable and removing alleged accused employee(s) from having contact with the involved individual(s) when there is credible evidence supporting the allegation of abuse and neglect;
- 2) Secure the scene of the incident and preserve evidence, if applicable;
- 3) Identify and separate potential witnesses, when applicable; and
- 4) Identify and record all persons at the scene at the time of the incident and, when relevant, those who had entered the scene prior to the scene being secured;
- 5) Secure all relevant physical evidence, such as clothing, if applicable; and
- 6) Photograph the scene of the incident and the individual's injury, when applicable and when appropriate.

7) Notify an OIG representative.

If the allegation constitutes abuse or neglect or death, the authorized representative or his or her designee of a facility shall:

- 1) Ensure the immediate health and safety of involved individuals and employees, including ordering medical examinations when applicable and removing alleged accused employee(s) from having contact with the involved individual(s) when there is credible evidence supporting the allegation of abuse and neglect;
- 2) Secure the scene of the incident and preserve evidence, if applicable;
- 3) Identify and separate potential witnesses, when applicable;
- 4) Identify and record all persons at the scene at the time of the incident and, when relevant, those who had entered the scene prior to the scene being secured;
- 5) Secure all relevant physical evidence, such as clothing, if applicable;
- 6) Photograph the scene of the incident and the individual's injury, when applicable;

7) Notify an OIG representative; and

8) Initiate the preliminary steps of the investigation by the designated facility employees who have been trained by OIG to conduct initial interviews and gather evidence and documents. The assigned OIG investigator is responsible for the investigation of allegations of abuse or neglect or of deaths from other than natural causes.

- i) Determination of further action by OIG representative
- The OIG representative may determine whether further action, if any, is necessary. In this determination, the OIG representative shall consider the alleged incident, the evidence gathered, and the integrity of the investigation. Such action may include immediate emergency referrals (such as medical or housing services), the notification of law enforcement officials, requesting hospital services or contacting the Department or other State agencies for assistance.

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- 3) Indirect report of an allegation
- If receipt of an allegation of abuse or neglect or a death was not received directly from the community agency or facility, an OIG representative shall notify the authorized representative or his or her designee within 24 hours that an allegation has been received unless such notification compromises the integrity of the investigation.

Section 50.40 Method of investigation

- a) Determination of primary responsibility for investigation

The OIG representative receiving the report of an allegation of abuse or neglect or a death from a community agency, shall determine whether OIG, or the community agency with an OIG approved method of investigation may take primary responsibility for investigating the allegation. This determination shall be based on the nature of the allegation. Frequency of allegations and complaints of a comparable nature, OIG's knowledge of the community agency and its policies, and in accordance with the following criteria:

- 1) OIG responsibility
- OIG shall retain responsibility for investigating allegations of:
- A) Abuse or neglect when it appears an individual may be in imminent danger;
 - B) Physical abuse with injury requiring medical treatment by a physician;
 - C) Neglect with injury requiring medical treatment by a physician;
 - D) Sexual abuse by an employee; and
 - E) Abuse or neglect involving death of an individual; and
 - F) Other incidents as determined by OIG.

- 2) Priority investigations
- The investigation of the above allegations shall be conducted as priority investigations.

- 3) OIG community agency responsibility
- OIG or the community agency with an OIG approved method of investigation may take responsibility for investigating allegations of abuse or neglect or a death in the following situations:

- A) Physical abuse without injury or with an injury not requiring medical treatment by a physician;
- B) Neglect without injury or with an injury not requiring medical treatment by a physician; and
- C) Deaths from natural causes.

- 4) OIG or the facility with an OIG approved method of investigation may take responsibility for investigating deaths of natural causes.

- 5) At any time during the course of the investigation, the community agency requests that OIG assume primary responsibility

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for the investigation, OIG shall do so.

- b) Determination of investigation responsibility within 24 hours
OIG shall make a determination as to whether OIG shall or the community agency or facility may take responsibility for conducting the investigation within 24 hours after receipt of the report via the OIG hotline, mail, fax, or in person.

- 1) When OIG determines that the community agency or facility may investigate, OIG shall retain the right to take primary responsibility for the investigation at any time.
- 2) Methods of investigation may include, but are not limited to site visits, telephone contacts, or requests for written responses from the community agency or the facility.
- 3) OIG shall use a generally accepted method of investigation which can be reviewed under the OIG Guidelines for Investigations on file with the Office of Inspector General.
- 4) The facility's or community agency's method of investigation shall be comparable to those standards in the OIG Guidelines for Investigation - community agencies
- 5) Authorization - community agencies

- A) For allegations of abuse and neglect in a community agency, in order for OIG to authorize the community agency to conduct an investigation, the community agency shall submit its proposed methods of investigation to OIG for approval. Authorization to investigate applies on a case-by-case basis.
- B) This authorization or lack of authorization does not preclude the community agency from taking immediate action that may include protecting the individual(s) from danger or harm, gathering information relevant to the allegation and conducting its own investigation, notifying appropriate law enforcement officials or taking any other administrative action deemed necessary by the community agency.
- C) Training and assistance to community agencies on investigative methods

- OIG may provide assistance, if requested, to a community agency or a facility in the development of an approved method of investigation and in the training of employees in such methods.

Section 50.50 Conduct of the investigation

- a) Procedures

Depending on the nature of the allegation, an investigation shall consist of the following procedures:

- 1) To protect the integrity of the investigation when appropriate the scene of the incident shall be secured, witnesses shall be identified and separated, and physical evidence shall be preserved and secured;

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- 2) To gather testimonial evidence in instances when appropriate initial statements and/or follow-up statements from persons involved including victim(s), alleged perpetrator(s), and witness(es) shall be obtained by face-to-face interview, in writing, or by telephone; and documents such as progress notes, injury reports, individual records, photographs.

- b) Confidentiality or investigations of reports of abuse and neglect Any allegations or investigations of reports of abuse and neglect remain confidential until a final report is completed (Section 6.2(a) of the Act). The identity of any person as a complainant shall be confidential in accordance with the Freedom of Information Act (5 ILCS 140) unless authorized by the complainant. Information concerning diagnosis and treatment for alcohol or drug abuse shall be disclosed to OIG by community agencies only in accordance with federal regulations at 42 C.F.R. 2. Information concerning tests for human immunodeficiency virus (HIV) and diagnosis and treatment for acquired immune deficiency syndrome (AIDS) shall be disclosed to OIG by community agencies only in accordance with the AIDS Confidentiality Act (410 ILCS 305).
- c) Respect for the dignity and rights of persons involved All investigations shall be conducted in a manner that respects the dignity and human rights of all persons involved as part of the investigation.
- d) Integrity of the investigation All investigations shall be conducted in a manner that maintains the integrity of the investigation and that does not give cause to question the investigator's objectivity.

- e) Subject(s) of the investigation If indicated in the allegation, complaint and subsequent investigation that an employee may have abused or neglected an individual, the employee may request appropriate representation during the OIG interview. This request for representation may be denied by the OIG investigator.
- f) Non-interference No person, including an employee's representative, shall intervene or interfere with the conduct of any OIG interview or investigation.
- g) Availability of OIG to a community agency or facility If the community agency or facility has responsibility for conducting the investigation, OIG shall be available on request to answer questions and provide advice or technical assistance regarding the investigatory process.
- h) Access by OIG OIG shall be granted access, for the purpose of investigating a report of abuse or neglect or a death, to any facility or program funded, licensed or certified by the Department that is subject to the provisions of Section 6.2 of the Act to investigation by the Office of Inspector General for report of abuse or neglect or a death. (Section

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6.2(f) of the Act)

- 1) OIG shall seek access in a manner that respects the dignity and human rights of all persons involved, maintains the integrity of the investigation and does not unnecessarily disrupt programs and/or services.
- 2) When advance notice to an authorized representative of his or her designee is not provided, OIG shall, on arrival at the community agency or facility site, request that an on-duty and on-site employee notify the authorized representative of his or her designee of OIG's arrival.
- 3) If at any time during the course of the investigation OIG determines that:
 - 1) The allegation involves a possible criminal act or that special expertise is required, OIG shall notify within 24 hours the Department of State Police and local law enforcement authorities as appropriate.
 - 2) An individual's health or safety is in imminent danger, the Inspector General shall immediately notify the Secretary or his/her designee.
 - 3) The Inspector General believes that a violation of an existing Department Rule may have occurred, OIG shall immediately notify the authorized representative of his or her designee of the community agency and the appropriate Department office or division.

Section 50.60 Investigative file and preliminary report

- a) The investigative file shall be submitted to the Inspector General within 60 days from assignment of the investigation unless there are extenuating circumstances such as the unavailability of a witness(es) or an official document(s). Investigations not completed within 60 days must have a case status report prepared by the investigator and placed in the Central Office file. This status report shall explain the reason(s) for the delay in completing the case. Follow-up status reports to the file are required every 30 days thereafter until completion of the investigation.
- b) An investigative file submitted by the OIG, community agency, or facility shall include:
 - 1) All investigatory materials, including physical and documentary evidence, such as photographs, interview statements and records;
 - 2) A preliminary report to the Inspector General with a recommendation as to whether the findings of the investigation indicate that the allegation should be substantiated, unsubstantiated, or unfounded;
 - 3) A summary of the investigation that indicates any actions taken, by the community agency or the facility, as a result of the allegations.
- c) Determination of acceptance by the Inspector General

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Within five days after receipt of the preliminary report, the Inspector General will determine whether to accept the recommendation. If the preliminary report is not accepted, the Inspector General may require additional documentation, further investigation by the community agency or facility or may determine that further investigation by OIG is warranted.

- d) Substantiated allegations
 - 1) Within five working days after accepting the preliminary report, when abuse or neglect is substantiated, the Inspector General shall submit the preliminary report to the community agency or facility and notify the complainant in writing of the result of the preliminary report.
 - 2) The community agency or facility shall submit a written response within 10 working days after receiving the preliminary report. The response shall either:
 - A) Address in a concise and reasoned manner what action(s) the community agency or facility has taken or will take to protect the individual(s) from abuse or neglect, prevent further recurrences, and eliminate problems identified, and provide implementation dates for completion of such actions; or
 - B) Request that the Inspector General provide clarification of the findings or reconsideration of the findings based on additional information submitted by the community agency or facility.
- 3) The complainant, within 10 working days after receipt of the result of the preliminary report, may request in writing that the Inspector General reconsider the findings based on additional information submitted by the complainant.
- 4) Within 10 working days after receipt of the request from the community agency, facility, or complainant for reconsideration or clarification, the Inspector General shall respond. If the Inspector General determines further investigation is necessary based on the request for reconsideration or clarification of the findings, an amended preliminary report shall be issued.
- e) Unsubstantiated or unfounded allegations
 - 1) Within five working days after accepting the preliminary report where abuse or neglect is unsubstantiated or unfounded, the Inspector General shall submit the preliminary report to the authorized representative. The Inspector General shall notify the complainant in writing of the result of the finding of the preliminary report.
 - 2) Within 10 working days after receipt of the result of the preliminary report, the community agency, facility or complainant may request in writing that the Inspector General provide clarification of the finding or reconsideration of the finding based on additional information submitted by the community agency, facility, or complainant.

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- 3) Within five working days after receipt of the request for clarification or reconsideration from the community agency, facility or complainant, the Inspector General shall respond to the request. If the Inspector General determines further investigation is necessary based on the request for reconsideration or clarification of the findings, an amended preliminary report shall be issued to the authorized representative of the community agency or facility.

Section 50.70 Completed investigations and final report

- a) Acceptance of preliminary report
At the end of the 10 working days reconsideration/response time period, the preliminary report of the investigation shall be considered a final report and the investigation considered complete.
- b) Final report to the Secretary and community agency or facility
The Inspector General shall, within 10 days after the transmittal date of a completed investigation where abuse or neglect is substantiated or administrative action is recommended, provide a complete (final) report on the case to the Secretary and to the community agency or facility in which the abuse or neglect was alleged to have happened. (Section 6.2(c) of the Act)
- c) Informing individual and alleged perpetrator of report
Within 10 days after receiving a final report or notification, the authorized representative shall inform the individual, the individual's legal guardian and the alleged perpetrator whether the allegation was substantiated, unsubstantiated or unfounded.
- d) Release of final reports
Any allegations or investigations of reports of abuse and neglect shall remain confidential until a final report is completed. (Section 6.2(a) of the Act)
- 1) Final reports of substantiated investigations shall be released in accordance with the Act, Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110), and the Freedom of Information Act (5 ILCS 140).
- 2) Final reports of unsubstantiated or unfounded allegations shall remain confidential except that final reports shall be released pursuant to Section 6 of the Act or a valid court order. (Section 6.2(a) of the Act)
- 3) The identity of any person as a complainant shall remain confidential in accordance with the Freedom of Information Act (5 ILCS 140), or unless authorized by the complainant.

Section 50.80 Appeals process for findings of investigations

There shall be an appeals process for any person or community agency that is subject to any action based on the findings of an investigation. (Section 6 of the Act)

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- a) The individual or community agency may request a hearing no later than 30 days after the action occurred. The individual or community agency shall submit a letter to the Hearings and Appeals Unit, Department of Human Services, 401 Stratton Building, Springfield, IL 62765, requesting a hearing and setting out the reasons why the action was in error.
- b) The hearings under this Section shall be conducted in accordance with the Department's Rule on the conduct of hearing and appeals, at 59 Ill. Adm. Code 101.70.
- c) At the hearing, the community agency, OIG or the Department shall have the burden of presenting substantial evidence that its action was not arbitrary or capricious.

OFFICE OF BANK AND REAL ESTATE

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Public Hearings on Acquisition of Illinois Banks or Illinois Bank Holding Companies by Midwest Bank Holding Companies

- 2) Code Citation: 38 Ill. Adm. Code 390

- 3) Section Number

390.10	Repeal
390.20	Repeal
390.30	Repeal
390.40	Repeal
390.50	Repeal
390.60	Repeal
390.70	Repeal
390.80	Repeal
390.90	Repeal
390.100	Repeal

- 4) Statutory Authority: Implementing Section 3.071(d) and authorized by Section 3.074(a) of the Illinois Bank Holding Company Act of 1957 (205 ILCS 10/3.071(d) and 3.074(a)).

- 5) A complete description of the subjects and issues involved: These hearing rules are being repealed because they have been made obsolete with the passage of the federal Riegle-Neal Interstate Banking, Branching and Efficiency Act and subsequent changes to the Illinois Banking Act. The Joint Committee on Administrative Rules has encouraged the Office and other agencies to review their hearing rules and when possible consolidate or repeal duplicative or obsolete rules.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending to this Part? No

- 10) Statement of Statewide Policy Objectives: This rule will not affect local government.

- 11) Time, place and manner in which interested persons may comment on this Proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

John Arthur
Legislative Liaison
Office of Banks and Real Estate

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500 East Monroe, Suite 900
Springfield, IL 62701-1532
217/782-6181

The Agency will consider all written comments it receives in writing within 45 days after the date of publication of the *Illinois Register*.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Repealer begins on the next page.

OFFICE OF BANK AND REAL ESTATE

NOTICE OF PROPOSED REPEALER

TITLE 38. FINANCIAL INSTITUTIONS
CHAPTER 11: OFFICE OF BANKS AND REAL ESTATE

PART 390

PUBLIC HEARINGS ON ACQUISITIONS OF
ILLINOIS BANKS OR ILLINOIS BANK HOLDING
COMPANIES BY MIDWEST BANK HOLDING COMPANIES (REPEALED)

Section	
390.10	Applicability
390.20	Definitions
390.30	Hearings
390.40	Notice of Hearing
390.50	Hearing Officer
390.60	Record of Proceedings
390.70	Appearances
390.80	Written Submissions
390.90	Oral Argument
390.100	Commissioner's Decision

AUTHORITY: Implementing Section 3.071(d) and authorized by Section 3.074(a) of the Illinois Bank Holding Company Act of 1957 [205 ILCS 10/3.071(d)] and 10/3.074(a)].

SOURCE: Adopted at 11 Ill. Reg. 3039, effective February 2, 1987; recodified from Chapter II, Commissioner of Banks and Trust Companies, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; repealed at 22 Ill. Reg. _____, effective _____.

Section 390.10 Applicability

This Part shall apply to hearings conducted under the jurisdiction of the Commissioner of Banks and Real Estate pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957 [205 ILCS 10/3.071(d)].

Section 390.20 Definitions

"Applicant" means a Midwest bank holding company which has filed an application with the Commissioner of Banks and Real Estate pursuant to the Illinois Bank Holding Companies Act pursuant to the Illinois Bank Holding Company Act of 1957 [205 ILCS 10] to acquire an Illinois bank or Illinois bank holding company.

"Commissioner" means the Commissioner of Banks and Real Estate.

"Hearing officer" means the presiding official appointed by the Commissioner of Banks and Real Estate to conduct a hearing.

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"Party" means any person who participates in a hearing conducted pursuant to this Part or who prior to the hearing, has submitted written comment concerning an application.

Section 390.30 Hearings

The Commissioner may hold a public hearing with respect to an application filed by a Midwest bank holding company to acquire an Illinois bank or Illinois bank holding company.

Section 390.40 Notice of Hearing

The Commissioner shall mail notice of the date, time and place of a hearing to the Applicant, any person or persons who filed written comments on the application and to the Illinois bank or Illinois bank holding company proposed to be acquired at least fourteen (14) days before such hearing. Any person who wishes to present an oral argument at a hearing shall notify the Commissioner not less than five (5) days prior to the date of the hearing of the amount of time requested to present such oral argument.

Section 390.50 Hearing Officer

The Commissioner may appoint a hearing officer to regulate the conduct of hearings under this Part. Such hearing officer shall be a Deputy Commissioner.

Section 390.60 Record of Proceedings

The Commissioner or his duly appointed hearing officer shall appoint a licensed court reporter to make a transcript of all hearings. Upon request, the transcript shall be available for examination in the Office of Banks and Real Estate during regular office hours. Copies of the transcript shall be available pursuant to the requirement of the Freedom of Information Act [5 ILCS 140].

Section 390.70 Appearances

All parties shall enter their appearances at the beginning of the hearing by stating their name, address, telephone number and whom they represent to the court reporter who shall record the information in the transcript of the hearing.

Section 390.80 Written Submissions

All parties wishing to make written submissions supplementing their oral argument shall deliver any relevant documents or materials to the Commissioner, the Applicant and the bank or bank holding company proposed to be acquired prior to the date of the hearing. Written submissions shall be available for examination at the Office of Banks and Real Estate during regular office hours.

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Copies of written submissions shall be available pursuant to the requirements of the Freedom of Information Act [5 ILCS 140].

Section 390.90 Oral Argument

All presentations at the hearing shall be in the form of oral arguments. The Commissioner or his duly appointed hearing officer shall determine the order in which the parties present their oral argument and shall establish the order of any rebuttal and response to oral arguments presented by other parties. The Commissioner or his duly appointed hearing officer shall make a reasonable effort to grant the parties the amount of time each has requested to present their oral arguments. However, in order to provide the opportunity for each party to be heard, the Commissioner or his duly appointed hearing officer may set time limits for oral arguments. The Commissioner or his duly appointed hearing officer may interrogate any person presenting an oral argument after such presentation.

Section 390.100 Commissioner's Decision

If a hearing is conducted by a hearing officer, the hearing officer shall prepare written findings which shall be submitted to the Commissioner within twenty (20) calendar days after final adjournment of the hearing. Within thirty (30) days after the conclusion of a hearing, the Commissioner shall send a copy of his decision to all parties to a hearing.

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- 1) **Heading of the Part:** General Administrative Provisions
- 2) **Code Citation:** 89 Ill. Adm. Code 101
- 3) **Section Numbers:** Proposed Action:
101.20 Amendment
- 4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) **Complete Description of the Subjects and Issues Involved:** These proposed amendments make changes to some of the Department's definitions in Part 101. Several changes are being made in recognition of the new Department of Human Services and other aspects of State agency reorganization. The proposed changes also include a new definition to provide a generic reference for the Department's medical eligibility card. The definition for "Medical Card" is intended as a broad term regarding a means of identification to verify an individual's eligibility for medical assistance. This definition is being added to the Department's rules in anticipation of the transition away from use of the Medicaid card, beginning in March 1997, and implementation of the LINK card. The new Link card will be used by clients to access an array of services including care under the medical assistance program.

Companion amendments are being filed at 89 Ill. Adm. Code 120 and 140.

These proposed amendments are not expected to result in any additional Department expenditures.

- 6) **Will these proposed amendments replace emergency amendments currently in effect?** No
- 7) **Does this rulemaking contain an automatic repeal date?** No
- 8) **Do these proposed amendments contain incorporations by reference?** No
- 9) **Are there any other proposed amendments pending on this Part?** No
- 10) **Statement of Statewide Policy Objectives:** These proposed amendments do not affect units of local government.
- 11) **Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking:** Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Bureau of Rules and Regulations

DEPARTMENT OF PUBLIC AID

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Illinois Department of Public Aid
201 South Grand Ave. E., 3rd Floor
Springfield, IL 62763
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 101

GENERAL ADMINISTRATIVE PROVISIONS

- Section
101.1 Incorporation By Reference
101.10 Applicability
101.20 Definitions
101.30 Assistance Programs
101.40 Assistance Program Restrictions

AUTHORITY: Implementing Articles I and II and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I and II and 12-13].

SOURCE: Filled and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 5, P. 194, effective January 23, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 19, P. 108, effective May 1, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 25, P. 50, effective June 24, 1978; amended at 2 Ill. Reg. 33, P. 27, effective August 17, 1978; amended at 3 Ill. Reg. 43, P. 196, effective October 15, 1979; emergency amendment at 4 Ill. Reg. 1, P. 78, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 23, P. 80, effective May 23, 1980; amended at 5 Ill. Reg. 1369, effective January 29, 1981; peremptory amendments at 5 Ill. Reg. 10072, 10076 and 10079, effective October 1, 1981; amended at 5 Ill. Reg. 12728, effective November 1, 1981; codified at 7 Ill. Reg. 5195; amended at 13 Ill. Reg. 3897, effective March 17, 1989; emergency amendment at 19 Ill. Reg. 10220, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15676, effective November 3, 1995; emergency amendment at 21 Ill. Reg. 8638, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13619, effective October 1, 1997; amended at 22 Ill. Reg. _____, effective _____.

Section 101.20 Definitions

"AABD." Aid to the Aged, Blind or Disabled—financial assistance and medical assistance available to individuals who have been determined to be aged, blind or disabled as defined by the Social Security Administration.

"Adequate Consideration." The receipt of goods, monies or services at least in the amount of the fair market value of the property sold.

"Adult Cases." A case in which no child is included in the assistance unit.

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"Adverse Action." Any action which reduces food stamp benefits or terminates participation in the food stamp program within a certification period.

"AFDC." Aid to Families with Dependent Children--financial assistance and medical assistance available to families with one or more dependent children or in behalf of dependent children placed in foster care by the Department of Children and Family Services (DCFS).

"AFDC-F." Medical Assistance for an eligible child under DCFS guardianship.

"Agency Error." An action or inaction of the Department resulting in assistance benefits being furnished to or in behalf of a client for which the client is not eligible.

"Applicant." An individual requesting assistance by completion of a signed, written application form or a person in whose behalf a signed written application form is completed requesting assistance.

"Application." A request for assistance by means of a completed, signed designated form. For food stamp purposes, only a name, address and signature are needed on the form.

"Assistance Unit." The individual or individuals living together for whom the Department determines eligibility and, if eligible, provides financial and/or medical assistance as one unit.

"Caretaker Relative." A relative, as specified below, with whom a child must live to be eligible for TANF and who is providing care, supervision and a home for the child.

Blood or adoptive relatives within the fifth degree of kinship:

Father - Mother
 Grandmother - Sister
 Grandfather - Sister
 Great-grandfather - Sister
 Great-grandmother - Sister
 Uncle - Aunt (including up to great-great)
 Nephew - Niece (including up to great-great)
 First Cousin
 First Cousin once removed (child of first cousin)
 Second Cousin (child of great-aunt/uncle)

Step-Relatives:

Step-Father - Step-Mother
 Step-Brother - Step-Sister

Person who is or has been married to one of the above relatives.

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"Categorical Assistance Programs." TANF, AABD and related MANG programs.

"Categorically Eligible." The meeting of all eligibility requirements for a categorical assistance program other than financial needs.

"Certification for Per Food Stamps." Authorization of eligibility of a household for the food stamp program.

"Certification Period." The period of time for which a household is authorized to participate in the food stamp program.

"Certifying Office." The IDPA local office or General Assistance unit office responsible for certification of food stamp program participants.

~~"Child-and-Family-Assistance-Case."~~~~---A-General-Assistance-case-in-which-case-eligibility-is-based-on-pregnancy-or-the-presence-of-an-eligible-child.~~

"Client." The adult in the family or unit applying for assistance or receiving assistance on behalf of the family.

"Client Error." A client's mistake, misunderstanding, misrepresentation or concealment of information or failure to report information promptly which results in financial and/or medical assistance being paid to or in behalf of a recipient for which the recipient is not eligible.

"Correspondent." A specific individual who has been legally designated to handle the affairs of another individual, that is, parents, court appointed guardian or conservator.

"Coupon Allotment." The total dollar value of the food stamp coupons that a household is authorized to receive.

"DCFS." Illinois Department of Children and Family Services.

"Department." The Illinois Department of Public Aid.

"Dependent Child." A child age 18 or under who is living with a relative. If age 18, the child must be a full-time high school (or equivalent) student.

"DHS." Illinois Department of Human Services.

"Disbursing Order." An invoice voucher form given to a client authorizing a vendor to provide specified goods and/or services.

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"Disposition of an Application." The determination of eligibility or ineligibility.

"Diverted Income." Earned or unearned income of a parent used to meet the needs of ineligible person or persons, including the parent, their dependent child or children or their spouse.

"DHDD." Formerly Illinois Department of Mental Health and Developmental Disabilities. Now part of DHS.

"DOC." Illinois Department of Corrections.

"DOL." Illinois Department of Labor.

"DORS." Formerly Illinois Department of Rehabilitation Services. Now part of DHS.

"Earmarked Income." Income restricted for the use of an individual by court order or by legal stipulation of a contributor. Only income of a child may be considered earmarked for Departmental purposes. The income of an eligible child who has siblings in the home receiving TANF financial assistance cannot be earmarked.

"Earned Income." Remuneration derived through the receipt of wages or salary for services performed as an employee or profits from activity in which the individual is self-employed.

"Effective Date." The date for which case action is authorized.

"Enrolled MANG Participant." Person or unit meeting the nonfinancial factors of eligibility.

"Established Twelve-Month Period." The period of 12 calendar months over which income is compared to the applicable MANG standard.

"Expedited Issuance." Authorization of food stamp benefits after the household has been determined to be destitute or to have zero net income.

"Expedited Service." An immediate processing of a food stamp application and determination of eligibility for expedited issuance.

"Family and Children Assistance Case." A General Assistance case in which case eligibility is based on the presence of an eligible child.

"FCS." The Food and Consumer Service of the United States Department of Agriculture.

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"Final Administrative Decision." A decision made by the Department as a result of an appeal. It either upholds or reverses the appealed action or determines a lack of jurisdiction.

"Financial Assistance." Public Assistance paid in the form of a cash benefit to a recipient for income maintenance needs. Medical assistance and food stamp benefits are not considered financial assistance.

"Financial Factors of Eligibility." Income, assets and Department levels of assistance.

"Financially Eligible." The meeting of all financial factors of eligibility.

"Fiscal Month." Begins on a given day in one calendar month and ends on the day prior to the same given day in the next calendar month.

"Food Coupons." Same as food stamps.

"Food Stamp Benefits." The cash value of benefits which a food stamp unit receives from the program.

"Food Stamp Employment and Training." Employment and training program for food stamp recipients.

"Food Stamp Household or Unit." For purposes of the food stamp program, a household or unit is defined as any of the following:

An individual living alone:

An individual living with others but customarily purchasing food and preparing meals for home consumption separate and apart from others;

A group of individuals who live together and customarily purchase food and prepare meals together for home consumption or who, because of their relationship, are required to qualify for food stamps as a unit.

"Full-Time Employment." Employment of 30 hours per week or more.

"GA." General Assistance -- financial and medical assistance available to eligible needy families or individuals who are ineligible to receive assistance through a categorical assistance program.

"GA Community Work and Training Program." A program, applicable to GA outside the City of Chicago only, designed to increase employability.

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of General Assistance recipients through constructive work experience, adult education, vocational training and gainful employment.

"Grant." The total amount of a monthly financial assistance payment.

"Grant Cases." Public assistance cases authorized for financial assistance payments to the recipient.

"Head of Household." The person in whose name application is made for participation in the food stamp program. This person is normally the individual who is the household's primary source of income.

"Health Maintenance Organization (HMO)." Licensed by the Illinois Department of Insurance as a non-profit incorporated agency whose purpose is to provide preventive health care and medical services.

"Healthy Kids." Early and periodic screening, diagnosis and treatment services provided to children from birth through 20 years of age.

"Hearing." The actual presentation and consideration of the issue under appeal before a hearing officer of the Department.

"HIB." Hospital Insurance Benefits provided by Title XVIII of the Social Security Act (Medicare) (42 U.S.C. 1395 et seq.).

"Initial Prorated Entitlement (IPE)." Financial Assistance to cover the period from the initial point of eligibility (application for assistance or initial needs of a person being added to the assistance unit) through two days after the mailing date of the first regular monthly assistance warrant.

"In-Kind Income." Income received by or paid in behalf of an individual in a form other than money.

"Interim Assistance." Assistance furnished to or in behalf of an individual financed totally from State and/or local funds for basic maintenance needs and furnished during the period beginning with the date when an individual filed an application for Supplemental Security Income (SSI) and for which such individual was found eligible.

"Intermediate Care Facility (ICF)." Provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long term illnesses or disabilities which may have reached a relatively stable plateau.

"Intermediate Care Facility for the Mentally Retarded

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(ICF/MR)." Provides primarily for ambulatory adults with developmental disabilities and addresses itself to the needs of mentally retarded and/or with related conditions. Such facilities are for residents who have physical, intellectual, social and emotional needs.

"JTPA." Job Training Partnership Act.

"Local Governmental Unit." Every county, city, village, incorporated town or township charged with the duty of providing public aid under General Assistance and County Veterans Assistance Commissions providing assistance to indigent war veterans and their families.

"Local Office." Department of Public Aid Offices which serve clients living within a designated geographical area.

"Jump-Sum Payment." An extraordinary or non-recurring income payment received by a client.

"MAG." Medical Assistance Grant cases -- medical assistance paid on behalf of a recipient of financial assistance.

"MANG." Medical Assistance No Grant cases -- medical assistance paid on behalf of a recipient of categorical assistance who is not receiving financial assistance.

"MANG(MRD)." Medical assistance available to individuals who have sufficient income and assets to receive Supplemental Security Income medical care and are not receiving Supplemental Security Income benefits or whose income is determined to be aged, blind or disabled by the Department of Public Aid.

"MANG(C)." Medical Assistance to Needy Families with Children -- available to families with one or more children who would qualify for TANF on the basis of non-financial eligibility factors but have sufficient income and assets to meet all maintenance needs other than medical care.

"Medicaid." Medical assistance issued by the Department under provisions of Title XIX of the Social Security Act (42 U.S.C. 1396); MAG and MANG.

"Medical Assistance." Medicaid.

"Medical Card." A means of identification used to verify an individual's eligibility for medical assistance.

"Medicare." Payment for medical care under the provisions of Title

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XVIII of the Social Security Act.

"Medicaid"---Early and periodic screening, diagnosis and treatment services provided to children from birth through 30 years of age.

"Medicaid-Early"---A document which identifies individuals for whom the Department will pay for essential medical services and supplies.

"Migrant Worker." Any person residing temporarily in and employed in Illinois who moves seasonally from one place to another for the purpose of employment in agricultural activities, including the planting, raising or harvesting of any agricultural or horticultural commodities and the handling, packing or processing of such commodities on the farm where produced or at the point of first processing.

"OASDI." Old Age, Survivors, and Disability Insurance -- often termed "Social Security".

"Q.T." On the Job Training programs sponsored through the TANF or AFDC JOBS Program, Food Stamp Employment and Training Program or JTPA.

"Participant." A person taking part in the food stamp program or a Departmental employment and training program.

"Prepaid Health Plan." An organized system of health care responsible for providing or assuring the delivery of comprehensive health maintenance and treatment services to a voluntarily enrolled population.

"Recipient." An individual who receives benefits under an assistance program.

"Skilled Nursing Facility (SNF)." A group care facility licensed by the Illinois Department of Public Health which provides skilled nursing care, continuous skilled nursing observations, restorative nursing and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

"Skilled Nursing Facility for Per-Pediatrics (SNF/PED)." A group care facility licensed by the Illinois Department of Public Health which provides nursing care and rehabilitative and/or rehabilitative care to children under eighteen years of age. Such facilities are for residents primarily diagnosed mentally retarded or having related conditions.

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"SMIB." Supplementary Medical Insurance Benefits -- coverage provided under Title XVIII of the Social Security Act for medical services other than hospitalization.

"Specified Relative." Same as caretaker relative.

"Spindown." The amount by which a client's nonexempt income during the eligibility period exceeds the MANG income and asset standards.

"SSA." The Social Security Administration -- of the Department of Health and Human Services.

"SSI." Supplemental Security Income -- a program administered by the Social Security Administration providing monthly aid to Aged, Blind and Disabled individuals.

"Student." An individual who is enrolled at least half time (as defined by the institution) in any grade school, high school, vocational school, technical school, training program or institution of higher education. Enrollment in a mail, self-study or correspondence course does not meet the definition of a student.

"Supervision." Exercising of responsibility for the child's welfare by the caretaker.

"TANF." Temporary Assistance for Needy Families. Financial and medical assistance available to families with one or more dependent children.

"Temporary Caretaker." Another individual temporarily acting as a caretaker (not included in the assistance unit) when no specified relative is available.

"UI." Unemployment Insurance Benefits.

"Unearned Income." All income other than earned income.

"Utilization Control." Evaluation and review by the Department of a recipient's need for care facility, and certification of a patient's need for care by physicians, DMHDD staff and Department of Public Health.

"Vendor Payment." Direct payment to vendors for items or services provided to clients.

"Work and Basic Skills Training Program." The Department's employment and training program for TANF recipients.

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"Work Experience." A Department program which provides experience in a job.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Medical Assistance Programs

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Numbers: Proposed Action:
120.60 Amendment
120.80 Amendment
120.384 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments regarding the Department's medical assistance programs provide necessary changes concerning State agency reorganization and the new LINK card that will be used by clients to access services.

Several proposed changes to Section 120.60 are being made in recognition of the new Department of Human Services and other aspects of State agency reorganization affecting the former Departments of Mental Health and Developmental Disabilities and Rehabilitation Services.

Other proposed changes to Sections 120.60, 120.80 and 120.384 are being made in anticipation of the LINK card, which will be used by clients to access an array of services including care under the medical assistance program. After a transition period, during which clients will be able to use both the MediPlan and the LINK cards, public assistance recipients will use only the LINK card. This new card will be a plastic card that will provide for computerized access to information and services.

Other proposed changes are being made throughout these rules to eliminate outdated material and align the rules with current practices.

Companion amendments are being filed at 89 Ill. Adm. Code 101 and 140.

These proposed amendments are not expected to result in any additional Department expenditures.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do

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not affect units of local government.

- 11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones, Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Ave. E., 3rd Floor
Springfield, IL 62763
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act (5 ILCS 100/5-40).

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act (5 ILCS 100/1-75, 1-80, 1-85). These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act (5 ILCS 100/5-30). These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
B) Reporting, bookkeeping or other procedures required for compliance: None
C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on the 2 most recent regulatory agendas because this rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1
Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10
120.11
120.12
120.20
120.30
120.31
120.40
120.50

Eligibility For Medical Assistance
Eligibility for Medical Assistance for Pregnant Women and for Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy (MANG(P) Program)
Mandatory Start - Medicaid Presumptive Eligibility Program For Pregnant Women
MANG(AABD) Income Standard
MANG(C) Income Standard
MANG(P) Income Standard
Exceptions To Use Of MANG Income Standard
AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60

120.61
120.62
120.63
120.64
120.65

All Cases Other Than Intermediate Care, Skilled Nursing Care, DHS Facilities DHHS Approved Community Based Settings and Pregnant Women and Children born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy
Cases of Intermediate Care, Skilled Nursing Care and DHHS - MANG(AABD) and All Other Licensed Medical Facilities
Departed and Mental Health and Developmental Disabilities (DHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Code 140.643
Department of Mental Health and Developmental Disabilities (DHDD) Approved Home and Community Based Residential Settings
Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy (MANG(P) Program)
Department of Mental Health and Developmental Disabilities (DHDD) Licensed Community - Integrated Living Arrangements

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

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Section	
120.70	Supplementary Medical Insurance Benefits (SMB) Buy-In Program
120.72	Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73	Eligibility for Medical Payment of Medicare Part B Premiums as a Qualified Medicare Beneficiary (QMB)
120.74	Specified Low-Income Medicare Beneficiary (SLMB) Income Standard
120.75	Specified Low-Income Medicare Beneficiary (SLMB) Income Standard
120.76	Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section	Recipient Restriction Program
120.80	

SUBPART F: MIGRANT MEDICAL PROGRAM

Section	Migrant Medical Program
120.90	
120.91	Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section	Elimination of Aid to the Medically Indigent
120.200	
120.208	Client Cooperation (Repealed)
120.210	Citizenship (Repealed)
120.211	Residence (Repealed)
120.212	Age (Repealed)
120.213	Relationship (Repealed)
120.215	Living Arrangements (Repealed)
120.217	Supplemental Payments (Repealed)
120.218	Relationship Status (Repealed)
120.219	Supplemental Payments (Repealed)
120.220	Unearned Income (Repealed)
120.223	Unearned Income (Repealed)
120.225	Exempt Unearned Income (Repealed)
120.226	Education Benefits (Repealed)
120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)
120.246	Lump Sum Payments and Income Tax Refunds (Repealed)
120.250	Protected Income (Repealed)
120.255	Earned Income (Repealed)
120.260	Budgeting Earned Income (Repealed)
120.261	Exempt Earned Income (Repealed)
120.262	Recognized Employment Expenses (Repealed)
120.270	Income From Work/Study/Training Program (Repealed)
120.271	Income From Self-Employment (Repealed)
120.272	Earned Income From Self-Employment (Repealed)

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120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Asset Disregards (Repealed)
120.281	Asset Disregards (Repealed)
120.282	Deferral of Consideration of Assets (Repealed)
120.283	Spill-down of Assets (AMI) (Repealed)
120.284	Property Transfers (Repealed)
120.285	Persons Who May Be Included in the Assistance Unit (Repealed)
120.290	Payment Levels for AMI (Repealed)
120.295	

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section	Client Cooperation
120.308	Caretaker Relative
120.309	Citizenship
120.310	Residence
120.311	Age
120.312	Blind
120.313	Disabled
120.314	Relationship
120.315	Living Arrangements
120.316	Supplemental Payments
120.317	Institutional Status
120.318	Assignment of Rights to Medical Support and Collection of Payment
120.319	Cooperation in Establishing Paternity and Obtaining Medical Support
120.320	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.321	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.323	Health Insurance Premium Payment (HIPP) Program
120.324	Health Insurance Premium Payment (HIPP) Pilot Program
120.325	Foster Care Program
120.326	Social Security Numbers
120.327	Unearned Income
120.328	Budgeting Unearned Income
120.329	Exempt Unearned Income
120.330	Education Benefits
120.331	Incentive Allowance
120.332	Unearned Income In-Kind
120.333	Court Ordered Child Support Payments of Parent/Step-Parent
120.334	Earmarked Income
120.335	Medicaid Qualifying Trusts
120.336	

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- a) The eligibility period for WANG (AABBY-and-MANGS) is one month. The eligibility period shall begin with:
- 1) the first day of application;
 - 2) which the client meets non-financial eligibility requirements up to three months prior to the month of application, if the client so desires; or
 - 3) the first day of a month, after the month of application, in which the client meets non-financial eligibility requirements.
- b) Eligibility without Spend-down for WANG (AABBY-and-MANGS)
- 1) If the client's nonexempt income available during the eligibility period is equal to or below the applicable MANG standard (Sections 120.20 and 120.30) and nonexempt assets are not in excess of the applicable asset disregard (Section 120.382), the client is eligible for medical assistance from the first day of the eligibility period. The Department will pay for covered services received during the entire eligibility period.
 - 2) The client is responsible for reporting any changes that occur during the eligibility period which might affect eligibility for medical assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for medical assistance. If changes in income, assets or family composition occur which would make the client a spend-down case, a spend-down obligation will be determined and the subsections i, (c) of this Section will apply.
 - 3) A redetermination of eligibility will be made every 12 months.
- c) Eligibility with Spend-down for WANG (AABBY-and-MANGS)
- 1) If the client's nonexempt income available during the applicable eligibility period is greater than the applicable MANG standard and/or nonexempt assets are over the applicable asset disregard, the client must meet the spend-down obligation determined for the eligibility period before becoming eligible to receive medical assistance. The spend-down obligation is the sum of the amount by which the client's nonexempt income exceeds the MANG standard and the amount of nonexempt assets in excess of the applicable asset disregard.
 - 2) The client meets the spend-down obligation by incurring or paying for medical expenses in an amount equal to the spend-down obligation in the following order:
 - A) Medical expenses shall be applied to the spend-down obligation in the following order:
 - 1) Charges for DHS Services and/or MBHBS (Medicaid Based Services). These charges are considered incurred the first day of the eligibility period regardless of the day the services are actually provided.
 - ii) Payments made for medical expenses within the previous six months. Payments are considered incurred the first day of the month of payment.

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- iii) Unpaid medical expenses. These are considered as of the date of service and are applied in chronological order.
- B) If multiple medical expenses are incurred on the same day, the expenses shall be applied in the following order:
 - i) Health insurance deductibles (including Medicare and other co-insurance charges).
 - ii) All copayment charges incurred or paid on spend-down met day.
 - iii) Expenses for medical services and/or items not covered by the Department's Medical Assistance Program.
 - iv) Cost share amounts incurred for in-home care services by individuals receiving services through the Department on Aging (DOA).
 - v) Expenses incurred for in-home care services by individuals receiving or purchasing services from private providers.
 - vi) Expenses incurred for medical services or items covered by the Department's Medical Assistance Program. If more than one covered service is received on the day, the charges will be considered in order of amount. The bill for the smallest amount will be considered first.
- C) If a service is provided during the eligibility period but payment may be made by a third party, such as an insurance company, the medical expense will not be considered towards spend-down until the bill is adjudicated. When adjudicated, that part determined to be the responsibility of the client shall be considered as incurred on the date of service.
- 3) After application for medical assistance for cases eligible with a spend-down obligation who do not have a QMB or MANG(P) member, an additional eligibility determination will be made.
 - A) If countable income is greater than the QMB income standard (Section 120.74) or countable assets are greater than the QMB asset disregard (Section 120.382(d)), the case will not be enrolled in spend-down unless:
 - i) the case does not have a spend-down obligation for any month of the twelve-month enrollment period;
 - ii) medical expenses equal the spend-down obligation for at least one month of the twelve-month enrollment period; or
 - iii) the person is on a waiting list or would be on a waiting list to receive a transplant if he or she had source of payment.
- B) Cases which meet any of these conditions will be notified, in writing, of the spend-down obligation. The client will also be notified that his or her case will be reviewed beginning in the sixth month of the twelve-month enrollment

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period. If the client has not had medical eligibility in one of the last three months, a new time of review (including the completion of review) shall terminate unless the client has a waiting list or is on a waiting list or could be on a waiting list to receive a transplant if he or she had a source of payment. A new application will be required if the client wishes continued medical assistance.

C) When proof of incurred medical expenses equal to the spend-down obligation is provided to the local office, eligibility for medical assistance shall begin effective the first day that the spend-down obligation is met. The Department will pay for covered services received from that date until the end of the eligibility period. The client shall be responsible, directly to the provider, for payment for services provided prior to the time the client meets the spend-down obligation.

4) Cases with a spend-down obligation which do not have a QMB, a MANG(P) member or a person on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment, will be reviewed beginning in the sixth month of enrollment to determine if they have had medical eligibility within the last three months, including the month of review. If so, enrollment will continue. If not, enrollment will be terminated and the client will be advised that if he or she wishes continued medical assistance, a reapplication must be filed. Upon reapplication, a new twelve-month enrollment period will be established (assuming non-financial factors of eligibility are met). If appropriate, a new spend-down obligation will be created.

A) If the client files a reapplication prior to four months after the end of the period of enrollment, the client will be sent through a special abbreviated intake procedure to determine if he or she is eligible for medical assistance.

B) Cases that remain eligible in the tenth month of the enrollment period or which have a QMB, a MANG(P) member or a person on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment, will remain enrolled and will be redetermined once every 12 months.

5) The client is responsible for reporting any changes that occur during the enrollment period which might affect eligibility for medical assistance. If changes occur, appropriate action shall be taken by the Department including termination of eligibility for medical assistance.

6) If changes in income, assets or family composition occur, appropriate adjustments to the spend-down obligation and date of

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eligibility for medical assistance shall be made by the Department. The client will be notified, in writing, of the new spend-down obligation.

A) If income decreases or assets fall below the applicable asset disregard and, as a result, the client has already met the new spend-down obligation, eligibility for medical assistance shall be back-dated to the appropriate date.

B) If income or assets increase and, as a result, the client has not produced proof of incurred medical expenses equal to the new spend-down obligation, the written notification of the new spend-down amount will also inform the client that ~~he-or-she-will-no-longer-receive-a-Medicaid-card-and~~ eligibility for medical assistance will be interrupted until proof of medical expenses equal to the new spend-down obligation is produced.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section 120.80 Recipient Restriction Program

a) The Recipient Restriction Program (RRP) shall identify recipients who unnecessarily utilize medical services. When the Department determines, on the basis of statistical norms and the Medical Judgment of physicians and/or pharmacologists, that a Medicaid recipient has received medical services that are not medically necessary based on the recipient's diagnoses and/or medical conditions or in such a manner as to constitute an abuse of medical privileges, the decision to restrict a recipient's RRP applies to Provider and/or Primary Care Pharmacy will remain with the Department. All medical assistance programs administered by the Department.

b) Primary and Secondary Sources of Recipient Identification

- 1) Surveillance and Utilization Review Subsystem (SURS) of the Medicaid Management Information System (MMIS). On a quarterly basis, SURS analyzes the entire Medicaid population, determines medical usage per recipient and will identify recipients with usages in excess of the quarterly established norm of recipients in the same category of assistance and like demographic areas.

- 2) Secondary sources of identification shall be incoming referrals, such as referrals from medical providers, law enforcement officials or members of the general public. All referrals shall be reviewed and analyzed. Recipients found to have loaned or altered their medical cards for the purpose of obtaining medical benefits for which they or other persons are not legitimately entitled; falsely represented medical coverage; found in

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possession of blank or forged prescription pads; or who knowingly assisted providers in rendering excessive services or defrauding the Medical Assistance Program shall be restricted.

- c) Once a recipient is identified, medical usage based on diagnoses and/or medical condition for the nine months preceding identification shall be reviewed. Medical Assistance Consultants, licensed physicians and/or pharmacologists will determine if the recipient should be restricted due to the medical services received being not medically necessary. The Department shall initially designate, without regard to choice, a Primary Care Provider and/or Primary Care Pharmacy or Health Maintenance Organization (HMO). The Department's designation shall remain in effect for the entire period of the restriction unless the recipient changes this designation pursuant to subsection (f) of this Section. Each restriction to be restricted will be notified in writing. This notice will also contain a statement relating to the medical necessity of services consistent with the findings of the professional consultants; a statement advising the recipient of his or her right to appeal; and a toll-free number to call for information.

- d) Department Designated Primary Care Provider and/or Primary Care Pharmacy or HMO

1) The Department will select one provider and/or one pharmacy or HMO in reasonable geographical proximity to the recipient's home to serve as the recipient's Primary Care Provider and/or Primary Care Pharmacy or HMO.

2) The primary care physician shall be a medical doctor or doctor of osteopathy, licensed to practice medicine in all its branches, or a clinic enroller in good standing with the Department per the physician registration; enrolled to provide physician services with the Department; and willing to serve as the primary care provider.

- e) Types of Services Provided or Authorized

1) Once restricted, the recipient Medical Eligibility Verification (REV) system shall display information regarding the Primary Care Provider and/or Primary Care Pharmacy or HMO. REV will also display information that emergency services will not be restricted. Card shall display the program restriction--code--and the name--of--the--Primary--Care--Provider--and/or--Primary--Care Pharmacy--or--HMO--on--the--front--of--the--card--with--the--name--of--the--restricted--recipient--the card will also contain a notice--that emergency services will not be restricted. If restricted to a Primary Care Provider, the Primary Care Provider must provide or authorize the following non-emergency ambulatory care services for the restricted recipient before the Department will render payment for the services:

- A) Clinic
B) Laboratory

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- C) Outpatient Hospital

- D) Pharmacy
E) Physician

2) The Primary Care Pharmacy or HMO must supply all prescriptions. Authorization to obtain non-emergency prescriptions from any other source will only be approved in such instances when a specific item is not part of the Primary Care Pharmacy's or HMO's inventory and cannot be acquired through the Primary Care Pharmacy or HMO.

3) Other covered services may be provided by a qualified provider in the Department's Medical Program.

- f) Changing the Designated Primary Care Provider and/or Primary Care Pharmacy or HMO

1) The recipient may change the Department's initial designation of a Primary Care Provider, Primary Care Pharmacy or Health Maintenance Organization once without cause. The request for change must be submitted to the Department in writing. The Department, by notice, shall inform the recipient how to request a change in the Primary Care Provider, Primary Care Pharmacy or HMO.

2) The recipient may change his or her designated provider for cause if one of the following circumstances is verified:

- A) Change of recipient's residence from the geographic area of the Primary Care Provider, Primary Care Pharmacy or HMO;

B) Change in the recipient's medical condition which the Primary Care Provider is unable to treat or refer to another provider;

- C) Death of the Primary Care Provider;

D) Disenrollment of the Primary Care Provider and/or Primary Care Pharmacy or HMO from the Medical Assistance Program; and

E) Notice from the Primary Care Provider and/or Primary Care Pharmacy or HMO that they will no longer serve as the Primary Care Provider.

3) The Department will notify the recipient in writing if the Primary Care Provider and/or Primary Care Pharmacy or HMO has been disenrolled as a provider of Medicaid services or if the provider notifies the Department of their unwillingness to continue to serve as the recipient's Primary Care Provider.

4) Changes in designated Primary Care Provider and/or Primary Care Pharmacy or HMO shall be processed effective with the earliest possible date reflected on the eligibility file next--registrar issuance--of--the--Medical--Eligibility--Card--A temporary medical card--will--be--issued--if--necessary.

5) For the provider, pharmacy or HMO, the Department will determine if the requested change meets the criteria in subsection (d) of this Section.

- g) Length of Restriction

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- 1) Once recipients are restricted they remain in restriction for a minimum of four full quarters. If restricted recipients transfer to a different assistance unit, the restriction will be processed to follow the recipient. If a restricted recipient becomes inactive and is subsequently reactivated, the restriction will be reactivated until such time as four full quarters have elapsed.
- 2) Reevaluation of the Recipient's Medical Usage

A) When a recipient has had his or her medical card restricted for four full quarters, the Department shall reevaluate the recipient's medical usage to determine whether the recipient continues to receive medical services that are not medically necessary. The Department shall evaluate each case not later than eighteen months after the effective date of restriction. If the recipient is still receiving medical services that are not medically necessary, the restriction shall be continued for an additional period of eight full quarters. This additional period of eight full quarters shall begin with the first month immediately following the end of the first four full quarter restriction period. If the recipient no longer is receiving medical services that are not medically necessary, the restriction shall be discontinued. A "quarter", for purposes of this Section, shall be defined as one of the following three-month periods of time: January-March, April-June, July-September or October-December.

B) If necessary to determine if medical services that are not medically necessary are still being received, the Department shall obtain a complete copy of the recipient's medical record from the Primary Care Provider. The medical record will be reviewed by the Medical Assistant Consultant with a final determination by a licensed physician and/or pharmacologist to determine if the medical services received were medically necessary.

C) If the decision is to release the recipient from restriction, such release will be processed effective with the earliest possible date reflected on the eligibility file ~~next-regulate-issuance-of-the-Medical-Eligibility-Card-so~~ ~~that-the-card-no-longer-displays-a-program-restriction-code~~ ~~or-a-provider-is-and/or-pharmacy-is-or-IHM-a-name-for-the-recipient.~~

D) If the services are determined to be medically unnecessary, the recipient will be notified in writing of the continued restriction. The Department may designate a different Primary Care Physician, Pharmacy or Health Maintenance Organization. The recipient (3) of this Section shall apply. This notice will also contain a statement relating to the medical necessity of services consistent with the findings of the professional

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consultants; a statement advising the recipient of his or her right to appeal; and a toll-free number to call for information.

- 3) If the restriction is continued, a review will be conducted in accordance with subsection (g)(2) of this Section, subsequent to the additional eight quarter restriction under this Section, is initiated. No assets shall be restricted under this Section, if time shall be restricted for a period of eight full quarters. Subsequent to this eight quarter period, a review will be conducted in accordance with subsection (g)(2) of this Section.
- b) Recipients have the right to appeal inclusion in the program. (See 89 Ill. Adm. Code 102.80 thru 102.84.)

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART H: MEDICAL ASSISTANCE-NO GRANT

Section 120.384 Spend-down of Assets (MANG)

a) Determination of Assets

1) For individuals residing in the community the Department determines the amount of non-exempt assets using the verified amount on the date of decision on the application for medical assistance. The date of verification may be prior to the date of decision. Money considered as income for a month is not considered as an asset for that same month. If income for a month is added to a bank account that month, the Department will subtract the amount of income from the bank balance to determine the asset level. Any income remaining the following month(s) is considered as an asset.

2) The amount of non-exempt assets verified during the application process is used on the date of decision. If medical eligibility includes a backdated month(s) for the backdated month(s), the Department will consider the amount of assets available to apply the cost of medical care. The Department will not determine the value of assets for a backdated month(s) of eligibility. However, the amount of the excess assets verified during the application process is used to determine spend-down status in each backdated month of eligibility.

3) Once the excess asset has been used to meet spend-down, whether or not the excess amount has actually been reduced, it is no longer considered. However, at reapplication/redetermination, the Department will consider any excess non-exempt assets remaining as currently available.

b) Community Cases (MANG)

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To determine the spend-down obligation for MANG clients in the community, the Department will compare monthly countable income to the appropriate MANG Standard and add any non-exempt assets in excess of the appropriate Standard to non-exempt monthly income in excess of the appropriate MANG Standard.

- 1) Regular MANG - Community Residents
When an individual residing in the community has countable monthly income of not more than 99 cents over the appropriate MANG Standard and has non-exempt assets of not more than 99 cents over the appropriate asset disregard, the case is referred to as a Regular MANG case. Payment for covered services is made for each month eligibility exists.

- 2) Spend-down MANG
A) When an individual resides in the community and has countable monthly income of at least \$1.00 over the MANG Standard and/or non-exempt assets of at least \$1.00 in excess of the asset disregard for the appropriate size household, the case is referred to as a community spend-down case. The spend-down amount is the sum of the amount of income in excess of the MANG Standard plus non-exempt assets in excess of the appropriate asset disregard. The Department will disregard any excess income and/or asset amounts that are not at least \$1.00 over the appropriate standard or disregard.

- B) The transfer of asset policy set forth in Section 120-395 still applies. Once the client has been determined to have a resource spend-down because of excess non-exempt assets, the spend-down cannot be eliminated by a non-allowable transfer made to qualify for or increase the need for medical assistance. If the individual presents verification that the excess amount is no longer available and the transfer of assets is allowable according to Section 120-395, the Department will make the appropriate changes the month following the month the assets were transferred. If spend-down has been met by the policy set forth in Section 120-395 regarding transfer of assets does not apply, the client may dispose of the asset as he/she wishes as it has been applied to a met spend-down.

- C) Individuals enrolled in spend-down are not eligible for payment of covered medical services until spend-down is met. Spend-down is met by presenting allowable medical bills or receipts to the Department that equal the amount of the individual's excess countable income and/or non-exempt excess assets. Excess assets do not have to be reduced prior to the authorization of medical assistance issuance of a medical card.

- c) Group Care Cases
To determine the spend-down obligation for MANG clients in group care,

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the Department will compare monthly countable income and non-exempt assets in excess of the appropriate asset disregard to the cost of long term care at the private pay rate or the Department rate, whichever is greater. When an individual has non-exempt excess assets, the excess amount is applied to the monthly long term care charges after the monthly countable income has been applied.

- 1) Regular Group Care
When an individual in group care has countable monthly income plus non-exempt assets in excess of the applicable asset disregard of not more than 99 cents over the private pay rate or the Department rate, whichever is greater, the case is referred to as a Regular Group Care case. If monthly countable income plus excess non-exempt assets are less than the long term care charges at the Department rate, the Department will pay the difference.

- 2) Group Care Spend-down
A) When an individual in group care has countable monthly income plus non-exempt assets in excess of the applicable asset disregard of at least \$1.00 over the cost of long term care at this private pay rate or the Department rate, whichever is greater, the case is referred to as a Group Care Spend-down case. The spend-down amount is the sum of the monthly countable income plus non-exempt assets over the applicable asset disregard.

- B) The transfer of asset policy set forth in Section 120-385 still applies. Once the client has been determined to have a resource spend-down because of excess non-exempt assets, the spend-down cannot be eliminated by a non-allowable transfer made to qualify for or increase the need for medical assistance.

- C) If the individual presents verification that the excess amount is no longer available and the transfer of assets is allowable according to Section 120-385, the Department will make the appropriate changes the month following the month the assets were transferred. If spend-down has been met, the policy set forth in Section 120-385 regarding transfer of assets does not apply. The client may dispose of the asset as he/she wishes as it has been applied to a met spend-down.

- D) Individuals enrolled in spend-down are not eligible for payment of covered medical services until spend-down is met. Spend-down is met by presenting allowable medical bills or receipts to the Department that equal the amount of the individual's excess countable income and/or non-exempt assets. Excess assets do not have to be reduced prior to the authorization of medical assistance issuance of a medical card.

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(Source: Amended at 22 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:
140.2 Amendment
140.12 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments add changes to the Department's rules to recognize the implementation of the Temporary Assistance for Needy Families (TANF) program that became effective on July 1, 1997, under Public Law 104-193, and to establish a new term, "medical card".

In Section 140.12, "Mediplan card" is being changed to the generic "medical card" to establish a broad term regarding a means of identification to verify an individual's eligibility for medical assistance. This new term is being added to the Department's rules in anticipation of the transition away from use of the Mediplan card, beginning in March 1997, and implementation of the LINK card. The new LINK card will be used by clients to access an array of services including care under the medical assistance program.

Companion amendments are being filed at 89 Ill. Adm. Code 101 and 120.

These proposed amendments are not expected to result in any additional Department expenditures.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.2	Amendment	October 17, 1997 (21 Ill. Reg. 13757)
140.413	Amendment	September 12, 1997 (21 Ill. Reg. 12399)
140.470	Amendment	August 29, 1997 (21 Ill. Reg. 11889)
140.471	Amendment	August 29, 1997 (21 Ill. Reg. 11889)
140.472	Amendment	August 29, 1997 (21 Ill. Reg. 11889)
140.474	Amendment	August 29, 1997 (21 Ill. Reg. 11889)

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- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this Proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones, Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Ave. E., 3rd Floor
Springfield, IL 62763
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions of Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was included on the two most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Incorporation By Reference
140.1 Medical Assistance Programs
140.2 Covered Services Under Medical Assistance Programs
140.3 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.4 Covered Medical Services Under General Assistance
140.5 Medical Services Not Covered
140.6 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.7 Medical Assistance For Qualified Severely Impaired Individuals
140.8 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.9 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Enrollment Conditions for Medical Providers
140.11 Participation Requirements for Medical Providers
140.12 Definitions
140.13 Denial of Application to Participate in the Medical Assistance Program
140.14 Recovery of Money
140.15 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.16 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Effect of Termination on Individuals Associated with Vendor
140.18 Application to Participate or for Reinstatement Subsequent to Termination or Suspension of Barring
140.19 Submission of Claims
140.20 Covered Medical Services for Qualified Medicare Beneficiaries (QMBs)
140.21 Magnetic Resonance Imaging
140.22 Payment of Claims
140.23 Payment Procedures
140.24 Overpayment or Underpayment of Claims
140.25 Payment to Factors Prohibited
140.26

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140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for
140.33	Publication of List of Terminated, Suspended or Barred Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
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140.43	Prior Approval for Items or Services When Prior Approval Cannot Be
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140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice
140.72	Voucher Advance Payment and Expedited Payments
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)
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140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust
	Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation on Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Lone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Outpatient Services for OR (Recodified)
140.117	Hospital Outpatient Services (Recodified)
140.120	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.121	Payment for Hospital Services After June 30, 1982 (Repealed)
140.201	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.202	Limits on Length of Stay by Diagnosis (Recodified)
140.203	Payment for Pre-operative Days and Services Which Can Be Performed in
140.300	an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)

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140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post July 30, 1989 Services (Recodified)
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140.366	Restructuring Adjustments (Recodified)
140.367	Voluntary Adjustments (Recodified)
140.368	Volume Adjustments (Repealed)
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140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
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140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services
	(Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services
	(Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services
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140.398	Hearings (Recodified)
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140.429	Limitations on Chiropractic Services (Repealed)
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140.431	Services Not Covered by Independent Laboratory
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140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
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140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
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140.510	Determination of Need for Group Care
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140.512	Utilization Control
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140.514	Certifications and Recertifications of Care
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140.516	Recipient Management of Funds
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140.518	Facility Management of Funds
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140.523	Bed Reserves
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140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
140.527	Quality Incentive Survey (Repealed)
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140.576	Repealed Rented Facilities (Repealed)
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140.885	Payment Methodology (Repealed)
140.890	Contract Monitoring (Repealed)
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140.900	Functional Areas of Needs (Repealed)
140.901	Service Needs (Repealed)
140.902	Definitions (Repealed)
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140.904 Times and Staff Levels (Repealed)
 140.905 Statewide Rates (Repealed)
 140.906 Reconsiderations (Recodified)
 140.907 Midnight Census Report (Recodified)
 140.908 Times and Staff Levels (Recodified)
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 140.922 Maternal and Child Health Provider Participation Requirements
 140.924 Client Eligibility (Repealed)
 140.926 Client Enrollment and Program Components (Repealed)
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 140.930 Payment Authorization for Referrals (Repealed)
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SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT
 EQUITY (ICARE) PROGRAM

140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
 140.942 Definition of Terms (Recodified)
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 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
 140.948 Negotiation Procedures (Recodified)
 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
 140.952 Closing an ICARE Area (Recodified)
 140.954 Administrative Review (Recodified)
 140.956 Payments to Contracting Hospitals (Recodified)
 140.958 Admitting and Clinical Privileges (Recodified)
 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
 140.964 Contract Monitoring (Recodified)
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 TABLE B Geographic Areas
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 TABLE E Time Limits for Processing of Prior Approval Requests
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TABLE G Travel Distance Standards
 TABLE H Areas of Major Life Activity
 TABLE I Staff Time and Allocation for Training Programs (Recodified)
 TABLE J HSA Grouping (Repealed)
 TABLE K Services Qualifying for 10% Add-On (Repealed)
 TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
 TABLE M Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-1.3 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-1.3].

SOURCE: Adopted at 6 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7370, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7370, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10622, effective July 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13243, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code tit. 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 19, 1984; amended at 8 Ill. Reg. 21629, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23721, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 25067, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective January 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill.

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at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 reclassified to 89 Ill. Adm. Code 146.5, 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.998 reclassified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 reclassified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12462, effective July 17, 1989; amended at 13 Ill. Reg. 14394, effective August 1, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 14, 1989; amended at 14 Ill. Reg. 150, effective December 21, 1989; Section 140.110 reclassified to 89 Ill. Reg. 2584, effective February 9, 1990; emergency expired July 4, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4577, effective March 12, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14876, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990;

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Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14884, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 16318, effective December 2, 1985; amended at 10 Ill. Reg. 218, effective January 1, 1986; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 reclassified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12790, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 18758, effective September 26, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18686, effective October 27, 1987; amended at 11 Ill. Reg. 18309, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.90 thru 140.912 and 140 Table H and 140 Table I reclassified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147 Table A and 147 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 reclassified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended

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- to-Patients-with-Dependent-Children-(APBE) programs (Medicaid - MAG);**
- 2) persons who would be eligible for financial assistance but who have resources in excess of the Department's eligibility standards and who have incurred medical expenses greater than the difference between their income and the Department's standards (Medicaid - MAG); financial assistance under the Department's General Assistance (GA) program, either State Transitional Assistance or State Family and Children Assistance (GA-TANF/MANG);
 - 3) individuals under age 18 who do not qualify for TANF/TANF-MANG APBE/APBE-MANGS and infants under age one year (see Section 140.7);
 - 4) pregnant women who would not be eligible for TANF/TANF-MANG APBE/APBE-MANGS if the child were born and who do not qualify as mandatory categorically needy (see Section 140.9);
 - 5) persons who are eligible for Title IV-E adoption assistance/foster care assistance from another State and who are living in Illinois; and
 - 6) noncitizens who have an emergency medical condition (see 89 Ill. Adm. Code 120.310); however, payment is not included for care and services related to an organ transplant procedure.
- b) "Necessary medical care" is that which is generally recognized as standard medical care required because of disease, disability, infirmity or impairment.
- c) The Department may impose prior approval requirements, as specified by rule, to determine whether the medical care is necessary and eligible for payment from the Department in individual situations. Such requirements shall be based on recommendations of technical and professional staff and advisory committees.
- d) When recipients are entitled to Medicare benefits, the Department shall assume responsibility for their deductible and coinsurance obligations, unless the recipients have income and/or resources available to meet these needs. The total payment to a provider from both Medicare and the Department shall not exceed either the amount that Medicare determines to be a reasonable charge or the Department standard for the services provided, whichever is applicable.
- e) The Department shall pay for services and items not allowed by Medicare only if they are provided in accordance with Department policies and are necessary to insure that the recipient receives the maximum benefit available from Medicare.
- f) The Department shall not contract with qualified practitioners, hospitals and all other dispensers of medical services for the provision and reimbursement of any and all medical care or services as specified in the contract on a prepaid capitation basis (i.e., payment of a fixed amount per enrollee made in advance of the service); volume purchase basis (i.e., purchase of a volume of goods or services for a price specified in the contract); ambulatory visit basis (i.e., one comprehensive payment for each visit regardless of the services

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- provided during that visit) or per discharge basis (i.e., one comprehensive payment per discharge regardless of the services provided during the stay). Such contracts shall be entered into only if the recipient has been determined to be eligible for such services. Proposals or individually negotiated arrangements by providers willing to enter into special contractual arrangements with the State.
- g) The Department may require that recipients of medical assistance under any of the Department's programs exercise their freedom of choice by choosing to receive medical care under the traditional fee for service system or through a prepaid capitation plan or under one of the other alternative contractual arrangements described in subsection (f). The Department may require that recipients of medical assistance under any of the Department's programs who may choose or be assigned to an alternative plan will be specified in the contract. Recipients required to make such a choice will be notified in writing by the Department. If a recipient does not choose to exercise his/her freedom of choice, the Department may assign that recipient to a prepaid plan. Under such a plan, recipients would obtain certain medical services or supplies from a single source or limited source. The Department will notify recipients in writing if they are assigned to a prepaid plan. Recipients enrolled in or assigned to a prepaid plan will receive written notification advising them of the services which they will receive from the plan. Covered services not provided by the plan will be reimbursed by the Department on a fee for service basis. Recipients will receive a medical eligibility card which will apply to such services.
- h) The Department may enter into contracts for the provision of medical care on a prepaid capitation basis from a Health Maintenance Organization (HMO) whereby the recipient who chooses to receive medical care through an HMO must stay in the HMO for a certain period of time, not to exceed six months (the enrollment period). Upon written notice, the recipient may choose to disenroll from such an HMO at any time within the first month of each enrollment period. The Department will send the recipient a notice at least 30 days prior to the end of the enrollment period which gives the recipient the specified period of time in which to inform the Department of the recipient's choice to re-enroll in the HMO or to disenroll. If the recipient does not choose to re-enroll in the HMO or to disenroll during the enrollment period, the recipient shall be deemed to have chosen to re-enroll in the HMO. If the recipient responds to the notice and indicates in writing a choice to disenroll, failure to respond to the notice will result in automatic re-enrollment for a new enrollment period. Recipients shall also be allowed to disenroll at any time for cause.
- i) The Department may enter into contracts for the provision of medical care on a prepaid capitation basis from a Health Maintenance Organization whereby the recipient who chooses to receive medical care through an HMO may choose to disenroll at any time, upon written notice.
- j) The Department shall pay for services under the Maternal and Child Health Program, a primary health care program for pregnant women and

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children (see Subpart G).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.12 Participation Requirements for Medical Providers

The provider shall agree to:

- Allow eligibility of recipients prior to providing each service;
- Accept or reject the choice of accepting or rejecting medical or surgical care or treatment;
- Provide supplies and services in full compliance with all applicable provisions of State and federal laws and regulations pertaining to nondiscrimination and equal employment opportunity including but not limited to:

- Full compliance with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin;
 - Full compliance with Section 504 of the Rehabilitation Act of 1973 and 45 CFR 84, which prohibit discrimination on the basis of handicap; and
 - Without discrimination on the basis of religious belief, political affiliation, sex, age or disability;
- Comply with the requirements of applicable Federal and State laws and not engage in practices prohibited by such laws;
- Hold confidential, and use for authorized program purposes only, all Medical Assistance information regarding recipients;
 - Furnish to the Department, in the form and manner requested by it, any information it requests regarding payments for providing goods or services, or in connection with the rendering of goods or services or supplies to recipients by the provider, his agent, employer or employee;
 - Make charges for the provision of services and supplies to recipients in amounts not to exceed the provider's usual and customary charges and in the same quality and mode of delivery as are provided to the general public;
 - Accept as payment in full the amounts established by the Department.
- If a provider accepts an individual eligible for medical assistance from the Department as a Medicaid recipient, such provider shall not bill, demand or otherwise seek reimbursement from that individual or from a financially responsible relative or representative of the individual for any service for which reimbursement would have been available from the Department if the provider had timely and properly billed the Department. For purposes of this subsection, "accepts" shall be deemed to include:

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- An affirmative representation to an individual that payment for services will be sought from the Department;
 - An individual presents the provider with his or her medical Medicaid card and the provider does not indicate that other payment arrangements will be necessary; or
 - Provides the payment for the covered medical service billed by the eligible individual.
- If an eligible individual is entitled to medical assistance with respect to a service for which a third party is liable for payment, the provider furnishing the service may not seek to collect from the individual payment for that service if the total liability of the third party for that service is at least equal to the amount payable for that service by the Department.
 - Accept assignment of Medicare benefits for public aid recipients eligible for Medicare, when payment for services to such persons is sought from the Department;
 - Complete an MCH (Maternal and Child Health) Primary Care Healthy Womens/Healthy-Kids Provider Agreement in order to participate in the Maternal and Child Health Healthy-Womens/Healthy-Kids Program (see Section 140.924(a)(1)(D)); and
 - In the case of long term care providers, assume liability for repayment to the Department of any overpayment made to a facility regardless of whether the overpayment was incurred by a current owner or operator or by a previous owner or operator. Liability of current and previous providers to the Department shall be joint and several. Recoveries by the Department under this Section may be made pursuant to Sections 140.15 and 140.25. For purposes of this Section, "overpayment" shall include, but not be limited to:
 - Amounts established by final administrative decisions pursuant to 89 Ill. Adm. Code 104;
 - Overpayments resulting from advance C-13 payments made pursuant to Section 140.71;
 - Liabilities resulting from nonpayment or delinquent payment of assessments pursuant to Section 140.84; and
 - Amounts identified during past, pending or future audits that pertain to audit periods prior to a change in ownership and are conducted pursuant to Section 140.30 and 140.590. Liability of current owners or operators for amounts identified during such audits shall be as follows:
 - For past audits (audits completed before changes in ownership), liability shall be the amount established by final administrative decision.
 - For pending audits (audits initiated, but not completed, prior to the change in ownership), liability shall be limited to the lesser of the amounts established by final administrative decision or two months of service revenue. Two months of service revenue is defined as two months of Medicaid patient days as reported on the latest cost report

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filled by the selling owner or operator multiplied by the total Medicaid rate in effect on the date the new owner or operator is enrolled in the Program as a provider by the Department. The Medicaid rate in effect on the date of enrollment shall be used even if that rate is subsequently changed.

- C) For future audits (audits initiated after the change in ownership but pertaining to an audit period prior to a change in ownership), liability shall be limited as described in subsection (K)(4)(B) above.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED RULEMAKING

- 1) Heading of the Part: Energy Assistance Charge
- 2) Code Citation: 86 Ill. Adm. Code 516
- 3) Section Numbers:
516.100 New Section
516.110 New Section
516.120 New Section
516.130 New Section
- 4) Statutory Authority: Energy Assistance Act of 1989, 305 ILCS 20/13
- 5) A Complete Description of the Subjects and Issues Involved: Provides that municipal electric utilities of electric cooperatives that make affirmative decisions to impose the Energy Assistance Charge shall inform the Department of Revenue in writing of that decision when they begin their imposition of the charge. Provides that monthly returns are due on or before the 20th day of the month following the month the Energy Assistance Charge was collected. Also sets forth the information required to be included on the return.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Melanie Jarvis
Terry Charlton
Associate Counsels
Illinois Department of Revenue
Tax Services Office
101 West Jefferson
Springfield, IL 62794
Phone: (217) 782-6996
- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking may affect small businesses, small municipalities and not-for-profit corporations that operate electric or gas utilities.
- B) Reporting, bookkeeping or other procedures required for compliance: Filing of monthly return required by utilities and cooperatives assessing the Energy Assistance Charge. Also requires municipal electric utilities or electric cooperatives to notify the Department of Revenue in writing if they affirmatively decide to assess the charge.
- C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Rulemaking is identical to the text of the Emergency Rulemaking which appears in this issue of the Illinois Register on page 1006.

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: 100.9710
Proposed Action: New Section
- 4) Statutory Authority: 35 ILCS 5/1501(a)(8)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides guidance for determining when a taxpayer is a "financial organization" for purposes of the Illinois Income Tax Act. The new Section interprets 35 ILCS 5/1501(a)(8) as amended in Public Act 89-711.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|----------------------------|
| 100.3120 | Amendment | 21 Ill. Reg. 12835 |
| 100.2195 | New Section | 21 Ill. Reg. 12100 |
| 100.2480 | New Section | 21 Ill. Reg. 13048 |
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does the rulemaking affect any existing State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Paul Caselton
Senior Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62708
Phone: 217/782-7055

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit

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corporations affected: Any small business which potentially comes within the definition of "financial organization" in 35 ILCS 5/1501(a)(8) or which could potentially be included in a unitary business group (as defined in 35 ILCS 5/1501(a)(27)) with such a person.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section	Introduction
100.2000	Net Income (IITA Section 202)
100.2050	

SUBPART B: CREDITS

Section	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2100	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone (IITA 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130	Investment Credit; High Impact Business (IITA 201(h))
100.2140	Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150	Training Expense Credit (IITA 201(j))
100.2160	Research and Development Credit (IITA 201(k))
100.2170	Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180	Credit for Residential Real Property Taxes (IITA 208)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS

OCCURRING PRIOR TO DECEMBER 31, 1986

Section	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope
100.2210	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions
100.2220	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses: Net Operating Losses
100.2230	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards
100.2240	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carryforwards

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Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income

100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER DECEMBER 31, 1986

Section 100.2300 Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986

100.2310 Computation of the Illinois Net Loss Deduction

100.2320 Determination of the Amount of Illinois Net Loss Carryovers

100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers

100.2340 Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns

100.2350 Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(5) and 203(a)(2)(T))

100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

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Terms Used in Article 3 (IITA Section 301)

100.3000 Business and Nonbusiness Income (IITA Section 301)

100.3010 Resident (IITA Section 301)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section 100.3100 Compensation (IITA Section 302)

100.3110 State (IITA Section 302)

100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section 100.3200 Taxability in Other State (IITA Section 303)

100.3210 Commercial Domicile (IITA Section 303)

100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)

100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General

100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment

100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation

100.3340 Business Income of Persons Other Than Residents (IITA Section 304)

100.3350 Property Factor (IITA Section 304)

100.3360 Payroll Factor (IITA Section 304)

100.3370 Sales Factor (IITA Section 304)

100.3380 Special Rules (IITA Section 304)

100.3390 Petitions For Alternative Allocation or Apportionment (IITA Section 304(c))

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section 100.5000 Time for Filing Returns: Individuals (IITA Section 505)

100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)

100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)

100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)

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SUBPART O: COMPOSITE RETURNS

Section
100.5100 Composite Returns: Eligibility
100.5101 Composite Returns: Responsibilities of Authorized Agent
100.5110 Composite Returns: Individual Liability
100.5120 Composite Returns: Required forms and computation of Income
100.5130 Composite Returns: Estimated Payments
100.5140 Composite Returns: Tax, Penalties and Interest
100.5150 Composite Returns: Credit for Non-Resident Individuals
100.5160 Composite Returns: Definition of a "Lloyd's Plan of Operation"
100.5170

SUBPART P: COMBINED RETURNS

Section
100.5200 Election to File a Combined Return
100.5210 Procedure for Making the Election
100.5220 Designated Agent for the Members
100.5230 Combined Estimated Tax Payments
100.5240 Claims for Credit of Overpayments
100.5250 Liability for Combined Tax, Penalty and Interest
100.5260 Combined Amended Returns
100.5270 Computation of Combined Income and Tax
100.5280 Definitions and Miscellaneous Provisions Relating to Combined Returns

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section
100.7000 Requirement of Withholding (IITA Section 701)
100.7010 Compensation Paid in this State (IITA Section 701)
100.7020 Transacting Business Within this State (IITA Section 701)
100.7030 Payments to Residents (IITA Section 701)
100.7040 Employer Registration (IITA Section 701)
100.7050 Computation of Amount Withheld (IITA Section 701)
100.7060 Additional Withholding (IITA Section 701)
100.7070 Voluntary Withholding (IITA Section 701)
100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090 Reciprocal Agreement (IITA Section 701)
Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section
100.7100 Withholding Exemption (IITA Section 702)
100.7110 Withholding Exemption Certificate (IITA Section 702)
100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

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SUBPART S: INFORMATION STATEMENT

Section
100.7200 Reports for Employee (IITA Section 703)
SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD
Section
100.7210 Returns of Income Withheld from Wages (IITA Section 704)
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SUBPART AA: JUDICIAL REVIEW

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SUBPART CC: LETTER RULING PROCEDURES

- Section
100.9800 Letter Ruling Procedures

APPENDIX A Business Income of Persons Other Than Residents

TABLE A Example of Unitary Business Apportionment

TABLE B Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 P. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 26, 1986; amended at 10 Ill. Reg. 19512, effective November 15, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill.

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Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19666, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired on July 24, 1997; amended at 22 Ill. Reg. _____, effective _____.

SUBPART BB: DEFINITIONS

Section 100.9710 Financial Organizations (IITA Section 1501)

- a) General Definition. The term "financial organization" is defined in IITA Section 1501(a)(1)(A) to mean any bank, bank holding company, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, building and loan association, credit union, currency exchange, cooperative bank, small loan company, sales finance company, investment company, or any person which is owned by a bank or bank holding company. For the purpose of this Section a "person" will include only those persons which a bank holding company may acquire and hold an interest in, directly or indirectly, under the provisions of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), except where interests in any person must be disposed of within certain required time limits under the Bank Holding Company Act of 1956. This definition constitutes an exclusive and exhaustive list of the types of organizations which are "financial organizations" under the Illinois Income Tax Act.
- b) Entities Engaged in Financial Organization Activities and Other Activities. For purposes of this Section, an entity which is

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classified as a "bank" under subsection (e) of this Section; as a "bank holding company" under subsection (f) of this Section; or as a person owned by a bank or bank holding company under subsection (d) of this Section, is a "financial organization" regardless of whether or not the entity is predominantly engaged in the business activities characteristic of a financial organization. In order for any other entity to be characterized as a "financial organization" in any tax year, the entity must be predominantly engaged in the business activities of a financial organization during the year. For this purpose, an entity engaged in business activities on a financial organization, but not predominantly engaged in the business activities of a financial organization, is not a financial organization. The business activities of a financial organization during that year only if more than 80 percent (50 percent in the case of a sales finance company under subsection (d)(1) of this Section) of the entity's gross income for that year is derived from the business activities characteristic of one or more of the categories of financial organizations defined in this Section for which the entity otherwise qualifies. For purposes of this subsection, gross income shall include only amounts which are received in the ordinary course of the entity's regular business activities and which are included in net income under the Illinois Income Tax Act.

1) Income which results from transactions outside the ordinary course of an entity's regular business activities is not taken into account for the purposes of the gross income test. For example, amounts received from the sale of an entity's headquarters shall be disregarded, whether or not the gain is characterized as business income.

2) The classification of an entity as a "financial organization" under the IITA is relevant to how the business income of the entity shall be apportioned to Illinois under Section 304(c) of the IITA. The treatment of items of income which are not included in apportionable business income is not affected by such classification, and such items are therefore disregarded for purposes of the gross income test. For example, interest received on United States Treasury obligations is excluded from apportionable business income, and accordingly is disregarded for purposes of apportioning the business income of an entity to Illinois. Similarly, apportioned using the financial organization formula. Similarly, dividends received by a corporation shall be disregarded to the extent the dividends are deducted from federal taxable income under Section 243 of the Internal Revenue Code or are subtracted in the computation of Illinois base income under Section 203(b)(2)(O) of the IITA.

3) In the case of a sale or disposition of any asset (whether tangible or intangible, and whether or not the asset is part of the taxpayer's stock in trade) which occurs in the ordinary course of an entity's regular business activities, only the net gain shall be taken into account for purposes of the gross income

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test. Thus, for example, gross income from the sale of inventory is equal to its gross receipts minus the cost of goods sold, while gross income from the sale of stock is equal to the sales price minus any brokerage commission and minus the taxpayer's basis in the stock. If gross income from a transaction is negative, the loss shall not be considered for purposes of the gross income test.

4) Leasing Activities. For purposes of the IITA and the Internal Revenue Code, a finance lease is treated as an extension of credit, and the lessor is treated as the creditor. In a finance lease, the lessor is treated as the creditor and the lessee as the owner of the leased asset entitled to any deduction for depreciation allowed under Section 167 of the Internal Revenue Code. For purposes of this Section, a finance lease shall be treated as a loan or other extension of credit, rather than as a lease, regardless of how the transaction is characterized for any other purpose, including the purposes of any regulatory agency to which the lessor is subject. For purposes of the gross income test:

A) the gross income from a finance lease shall be the gross income recognized by the nominal lessor for federal income tax purposes; and

B) the gross income from a true lease shall be the gross rental income from the lease minus the depreciation or amortization expense allowed for purposes of the IITA with respect to the rental property.

5) In applying the gross income test to an entity engaged in the businesses of more than one of the types of organization defined in subsection (d) of this Section, "gross income from financial services" shall include gross income derived from all services characteristic of any specific defined type of organization for which the entity qualifies. For example:

A) Selling and exchanging currency is a characteristic service of banks. Accordingly, "gross income from financial services" of an entity which qualifies as a bank under subsection (d)(1) of this Section, and as a safe deposit business under subsection (d)(6) of this Section, shall include both income from trading in foreign currencies and safe deposit box rentals. However, "gross income from financial services" of an entity which qualifies as a safe deposit company, but not as a bank, does not include income from trading in foreign currency.

B) Investing in capital securities is a characteristic activity only of an investment company. Accordingly, gross income from dividends included in base income and gains from the sale of stock are not "gross income from financial services" for a bank, a small loan company, a sales finance company or any other entity which does not also meet the criteria for

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qualification as an investment company.
 C) A taxpayer, which meets all other qualifications of a sales finance company, and also of a small loan company, which derives 40 percent of its gross income from transactions characteristic of a sales finance company, and 35 percent of its gross income from transactions characteristic of a small loan company, is not a financial organization because it does not meet either the 50 percent test for sales finance companies nor the 80 percent test applicable to other types of financial organization. If, however, the taxpayer derives 45 percent of its gross income from transactions characteristic of a sales finance company and 36 percent of its gross income from transactions characteristic of a small loan company, it would not be a sales finance company because it does not meet the 50 percent test, but it would be a financial organization under the 80 percent test.

6) Section 1501(a)(9)(D) of the ITRA provides that an entity that is a "financial organization" that engages in any transaction with an affiliate shall be a "financial organization" for all purposes of this Act. Accordingly, in applying the gross income test, an entity's transactions with a person to which it is related (including transactions with a member of the entity's unitary business group which are eliminated in combination under Section 100.3320(d) of this Part) shall be treated in the same manner as transactions between the entity and an unrelated person, subject in all cases to the authority of the Department under Section 404 of the ITRA to make such adjustments as are necessary to properly reflect each party's Illinois business activities.

c) Some of the types of organizations listed in subsection (a) of this Section are defined by State or Federal statutes. The remaining types of organization are terms frequently used in other States' laws to refer to entities engaged in the same businesses as the entities in one or more of the types defined in Illinois or Federal law. An entity defined as a bank or a bank holding company, or which is owned by a bank or bank holding company, under subsections (e), (f) or (g) of this Section, is a financial organization regardless of its actual business activities. For any other entity, notwithstanding the title or characterization of the entity for purposes of any other law, the entity is a "financial organization" for purposes of the ITRA only if that entity is predominantly engaged in a business which is identical in all material respects to the characteristic business of an entity within one or more of the types of organization defined in Illinois or Federal law. In order for an entity's business to be identical in all material respects to the business of one of the defined types of organization, the entity must:

- 1) provide substantially all of the characteristic services provided by entities in the defined type of organization; and
- 2) be subject to regulation by the Illinois or Federal agency with

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authority over entities in the defined type of organization or by the equivalent authority (if any) established under the laws of the entity's state or country of formation or of its commercial domicile.

d) Application to Defined Types of Financial Organization. This subsection lists the types of financial organization defined in Illinois or Federal law and describes the characteristic business of each type as provided in the relevant Illinois or Federal statutes. The references to Illinois State and Federal statutes and authorities in this subsection shall be construed to refer to any predecessor to the current statute of authority, whenever appropriate.

1) Entities engaged in the business of a "bank". The term "bank" includes any entity described in subsection (e) of this Section. In addition, for purposes of categorizing an entity which does not come within the scope of subsection (e) of this Section, the term "bank" means an entity predominantly engaged in the business activities characteristic of an entity which has been issued a charter by the Commissioner of Banks and Real Estate under 205 ICS 5/13 or which has been given a certificate of authority to commence banking by the Comptroller of the Currency under 12 U.S.C. Section 27. The terms "savings bank", "industrial bank" and "cooperative bank" are sometimes used in the laws of other states to refer to entities engaged in the same business as a "bank" as defined in Illinois or Federal law. The term "private bank" means an unincorporated bank, conducted as a partnership or individuals or as an individual proprietorship. Notwithstanding that an entity does or does not come within the meaning of any of these terms for any other purpose, the determination of whether an entity is engaged in the business of a "bank" for purposes of the ITRA shall be made pursuant to the following standards:

A) Characteristic Services. The Illinois and Federal statutes providing for the formation of banks state that the characteristic activities of banks are accepting deposits, making loans, discounting evidences of debt, and buying and selling exchange. See 205 ICS 5/3; 12 U.S.C. Section 247, and Section 581 of the Internal Revenue Code. In order to be engaged in a business identical in all material respects to the business of a bank, an entity formed under the laws of another state or of a foreign country as a bank, savings bank, industrial bank, or cooperative bank must engage in the same or substantially all of the characteristic financial services of a bank. For example, an entity which does not accept deposits is not engaged in the business of a bank. For purposes of applying the 80 percent of gross income test in subsection (b) of this Section, examples of gross income from characteristic services of a bank include:

- 1) application and origination fees, points, interest,

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late payment fees and other charges received in connection with loans or with commitments to make loans or provide other credits;

ii) service charges and early withdrawal or other penalties received in connection with deposit accounts;

iii) fees and gains realized from buying and selling, exchange, including foreign currency;

iv) loan servicing fees and charges received in connection with syndicated loans or loans sold to third parties; and

v) discounts and gains realized on the purchase or resale of loans.

Examples of items of income which are not gross income from the characteristic services of a bank include rental income from real estate, gains from sale of property obtained in foreclosure or settlement of loans, and interest and dividends received on securities.

Regulation 110 Illinois State banks are subject to regulation by the Commissioner of Banks and Real Estate [see 205 ILCS 5/28], while national banks are subject to regulation by the Comptroller of the Currency [see 12 U.S.C. Section 27(b)(2)]. These entities qualify as banks under subsection (e) of this Section regardless of their business activities. In order to qualify as a bank, an entity which is not a bank within the meaning of subsection (e) of this Section must be regulated by the authority (if any) equivalent to the Commissioner of Banks and Real Estate or the Comptroller of the Currency having regulatory jurisdiction within the entity's state or country of formation or commercial domicile.

2) Entities engaged in the business of a "trust company". The term "trust company" means a corporation organized under the laws of the State of Illinois for the purpose of accepting and executing trusts [205 ILCS 620/1-5.11], and which has received a certificate of authority to accept trusts from the Commissioner of Banks and Real Estate under 205 ILCS 620/2-4.

A) Characteristic Services. A trustee performs services as a fiduciary on behalf of the trust's beneficiaries. A trustee is entitled to compensation for expenses incurred on behalf of the trust and to reasonable compensation for services rendered [see 760 ILCS 5/71]. Under Illinois law, a trustee may continue an unincorporated business on behalf of the trust in certain circumstances [see 760 ILCS 5/4.23 and 4.24]. A trustee may also act as an advisor or manager of a mutual fund in which trust funds are invested without having to reduce or waive its compensation for such services

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when provided to a trust [see 760 ILCS 5/5.2]. However, the trustee is not entitled to any profit from any business it conducts on behalf of a trust or beneficiary, but only to compensation for services rendered to the trust. Accordingly, the gross income from characteristic services of a trust company shall include only trustees' fees or other compensation receivable for services rendered as a trustee on behalf of trusts. Amounts received for services provided other than as a trustee, such as fees received as an advisor or manager of a mutual fund in which trust funds are invested, are not gross income from characteristic services of a trust company.

B) Regulation. A trust company conducting business within Illinois is subject to the Corporate Secretary Act [205 ILCS 620]. Some special provisions of the Act apply to national banks. Some are authorized by law to engage in trust activities [see 12 U.S.C. Section 92a]. Any entity operating in any other state must be licensed or subject to regulation by any equivalent authority in that state.

3) Entities engaged in the business of a "Savings Bank". The term "savings bank" means a taxpayer which is predominantly engaged in the business of an entity which is either chartered as a federal savings bank under the Home Owners' Loan Act [12 U.S.C. Section 1464(a)] and whose investments comply with the guidelines of 12 U.S.C. Section 1464(c) or of an entity which has been issued a certificate of organization by the Commissioner of Savings and Loan Associations under the Savings Bank Act [205 ILCS 205/30071] and which, as required by 205 ILCS 205/1009, maintains at least 60 percent of its total assets in qualifying "domestic savings and loan association" assets described in Section 7701(a)(19) of the Internal Revenue Code. The qualifying assets listed in Section 7701(a)(19) are cash, federal and municipal obligations, loans secured by deposits or shares in the lender, residential real estate loans, educational loans, and related investments. The terms "bank", "savings and loan association", "building and loan association", "industrial bank" and "cooperative bank" are sometimes used in the laws of other states to refer to entities engaged in the same business as a "savings bank" as defined in Illinois or federal law. Notwithstanding that an entity does or does not come within the meaning of any of these terms for any other purpose, the determination of whether the entity is engaged in the business of a "savings bank" for purposes of the IITA shall be made pursuant to the following standards:

A) Characteristics of services. A "savings bank" is a bank chartered or licensed for acquiring the savings of the public and investing in loans" (General. 7701(a)(19)(B) of the Internal Revenue Code). In general, qualifying loans are related to residential real estate. An entity which does

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not take deposits from the public and invest the deposited funds primarily in qualifying loans to the public is not a savings bank for purposes of the IITA. For purposes of applying the 80 percent of gross income test in subsection (b) of this Section, examples of gross income from characteristic services of a savings bank include:

- i) application and origination fees, points, interest, late payment fees and other charges received in connection with loans or with commitments to make loans or provide other credits;
- ii) services charged and early withdrawal or other penalties received in connection with deposit accounts;
- iii) late servicing fees and charges received in connection with syndicated loans or loans sold to third parties; and
- iv) discounts and gains realized on the purchase or resale of loans.

Examples of items of income which are not gross income from the characteristic services of a savings bank include rental income from real estate; gains from sale of property obtained in foreclosure or settlement of loans; interest and dividends received from, and gains realized on the sale or exchange of, securities.

B) Regulation. No entity is a savings bank for purposes of the IITA unless it is subject to regulation by the Commissioner of Savings and Residential Finance under the Savings Bank Act [205 ILCS 705/1003], the Office of Thrift Supervision [12 U.S.C. Section 1461], or the appropriate authority of another state responsible for regulating savings banks.

4) Entities engaged in the business of a "land bank." The term "land bank" was defined in federal law to mean a federally chartered association organized to make loans on farm security at low interest rates as governed by 12 U.S.C., ch. 23 (Farm Credit System). Under the Agricultural Credit Act of 1987 (P.L. 100-233), the federal land banks were merged with the Federal Intermediate Credit Banks which had also been created under the Farm Credit System. Under current law, the surviving entities are exempt from state income taxation (see 12 U.S.C. Section 2098).

A) Characteristic Services. Congress established the federal land banks as cooperatives to encourage farmer and rancher ownership and control over a system of credit for agriculture. The characteristic services of a land bank are making loans to farmers. Gross income from characteristic services of a land bank include application and origination fees, points, interest, late payment fees and other charges received in connection with loans to farmers and ranchers.

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B) Regulation. Federal land banks are not subject to Illinois taxation. A land bank which was not created under federal statute must be subject to any regulation by any authority equivalent to the Farm Credit System regulation as may exist in the state or country of incorporation or commercial domicile of the land bank.

5) Entities engaged in the business of a "safe deposit company." The term "safe deposit company" means an entity licensed by the Department of Financial Institutions under the Safety Deposit License Act [240 ILCS 5/22] to engage in the business of renting, or permitting the use of, for compensation, safety deposit boxes, safes, vaults or other facilities for the safekeeping of personal property [see 240 ILCS 5/2]. The Safety Deposit License Act does not apply to banks, savings and loans, credit unions, warehouses, or grain storage companies [see 240 ILCS 5/3].

A) Characteristic Services. A safe deposit company provides facilities for the safekeeping of a personal property in safes or vaults, as compared to warehouses. Gross income from the characteristic services of a safe deposit company includes rental income or similar charges for safe deposit boxes.

B) Regulation. Safe deposit companies doing business in Illinois must be licensed by the Department of Financial Institutions. An entity operating in any other state must be licensed or subject to regulation by any equivalent authority in that state.

6) Entities engaged in the business of a "savings and loan association." The term "savings and loan association" means a federal savings and loan association chartered under the Home Owners' Loan Act of 1933 (12 U.S.C. Section 1461(a)) whose investments comply with the guidelines of 12 U.S.C. Section 1464(c) or a savings and loan association organized under the Illinois Savings and Loan Act of 1985 [205 ILCS 105/2-6] and whose investments comply with the requirements of 205 ILCS 105/5-1 through 5-16. In particular, 205 ILCS 105/5-3 provides that savings and loan associations must generally make their assets available to make loans to their members secured by the members' shares or for residential real estate purchase, construction and related matters under 205 ILCS 105/5-2. The Internal Revenue Code provides special rules for savings and loan associations, which are defined in Section 7701(a)(19) of the Internal Revenue Code as depository institutions which invest at least 60 percent of their assets in cash, federal and municipal obligations, loans secured by deposits or shares in the lender, residential real estate loans, educational loans, and related investments. The terms "bank", "savings bank", "building and loan association", and "cooperative bank" are sometimes used in the laws of other states or of other countries to refer to

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entities engaged in the same business as a "savings and loan association" as defined in Illinois or federal law. Notwithstanding that an entity does or does not come within the meaning of any of these terms for any other purpose, the determination of whether the entity is engaged in the business of a "savings and loan association" for purposes of the IITA shall be made pursuant to the following standards:

- A) Characteristic Services. The business of a savings and loan association "consists principally of acquiring the savings of the public and investing in loans" (Section 7701(a)(9)(B) of the Internal Revenue Code). An entity which does not take deposits and invest primarily in qualifying loans is not a savings and loan association for purposes of the IITA. For purposes of applying the gross income test in subsection (b) of this Section, examples of gross income from characteristic services of a savings and loan association include:
 - i) application and origination fees, points, interest, late payment fees and other charges received in connection with loans or with commitments to make loans or provide other credits;
 - ii) service charges and early withdrawal or other penalties received in connection with deposit accounts;
 - iii) loan-making fees and charges received in connection with syndicated loans or loans sold to third parties; and
 - iv) discounts and gains realized on the purchase or resale of loans.

Examples of items of income which are not gross income from the characteristic services of a savings and loan association include rental income from real estate; gains from sale of property obtained in foreclosure or settlement of loans; interest and dividends received from, and gains realized on the sale or exchange of, securities.

- B) Regulation. No entity is a savings and loan association for purposes of the IITA unless it is subject to regulation by the Commissioner of Savings and Residential Finance under the Savings Bank Act [202 ILCS 105/7-3], the Office of Thrift Supervision [12 U.S.C. Section 1461], or the appropriate authority (if any) of another state responsible for regulating savings and loan associations.

- 2) Entities engaged in the business of a "credit union". Federal credit unions which have received a charter under 12 U.S.C. Section 175a are exempt from state income taxation (see 12 U.S.C. Section 1769). Under present law, only "cooperative, non-profit" credit unions may be incorporated under the Illinois Credit Union Act or permitted to do business in Illinois (see 205 ILCS 305/1.1

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(defining "credit union") and 305/7 (permitting credit unions chartered in other states to do business in Illinois). Under current law, a credit union doing business in Illinois is most likely exempt from Illinois Income Tax pursuant to Section 205(a) of the IITA and 12 U.S.C. Section 501(a) and (c)(14). 12 U.S.C. Section 1753(5) and 205 ILCS 305/2(b) each require an entity applying for permission to organize as a credit union to define the class of persons entitled to membership.

- A) Characteristic Services. 12 U.S.C. Section 1752(a) provides that a federal credit union is a "cooperative association organized...for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes", and 12 U.S.C. Section 1757(7) requires a federal credit union to invest its funds in loans to its members, bank accounts, government securities and in other credit unions. 205 ILCS 305/1.1 defines "credit union" to mean a cooperative, non-profit association,

incorporated...for the purposes of encouraging thrift, creating a source of credit at a reasonable rate of interest, and providing an opportunity for its members to use and control their own money in order to improve their economic and social conditions, and 205 ILCS 305/59 allows credit unions to invest only in loans to members, bank accounts, government securities and other credit unions. The characteristic services of a credit union involve taking interest-paying deposits from its members and making loans to its members. For purposes of applying the gross income test in subsection (b) of this Section, examples of gross income from characteristic services of a credit union include:

- i) application and origination fees, points, interest, late payment fees and other charges received in connection with loans or with commitments to make loans to members; and
- ii) service charges and early withdrawal or other penalties received in connection with deposit accounts.

Examples of items of income which are not gross income from the characteristic services of a credit union include interest and other income from loans to non-members; rental income from real estate; gains from sale of property obtained in foreclosure or settlement of loans; interest and dividends received from, and gains realized on the sale or exchange of, securities.

- B) Regulation. In order for an entity to qualify as a credit union, an entity must be subject to regulation by any appropriate authority in the state of organization, and the class of persons entitled to membership in the entity must

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be defined by law or approved by the appropriate state authority.

- 8) Entities engaged in the business of a "currency exchange". The term "currency exchange" means an entity licensed by the Director of Financial Institutions under the Currency Exchange Act [205 ILCS 405/4] for purposes of engaging in the business of, and providing facilities for, cashing checks, drafts, money orders or any other evidences of money for a consideration or selling or issuing money orders in the entity's own name [205 ILCS 405/1].

A) Characteristic Services. Currency exchanges cash checks and other evidences of money for the general public, and may issue money orders. Currency exchanges are not permitted to accept any form of deposit or bailment of money [see 205 ILCS 405/3]. The gross income from characteristic services of a currency exchange are the fees or other charges for cashing checks or issuing money orders. Interest or other income earned from investment of funds received from the issuance of money orders and its clearance is not gross income from a characteristic service of a currency exchange.

B) Regulation. A currency exchange doing business in Illinois must be licensed by the Director of Financial Institutions and meet certain bonding requirements to protect its customers. An entity operating in any other state must be licensed or subject regulation by any equivalent authority in that state.

- 9) Entities engaged in the business of a "small loan company". The term "small loan company" means an entity licensed by the Director of Financial Institutions under the Consumer Installment Loan Act [205 ILCS 670/5] for the purpose of making loans in a principal amount not exceeding \$10,000. Small loan companies are required to disclose the terms of their loans pursuant to specific statutory requirements or in conformity with the Federal Truth in Lending Act [205 ILCS 670/16 (referencing 15 U.S.C. Section 1601)]. The predecessor of the Consumer Installment Loan Act, the Small Loans Act [Ill. Rev. Stat., ch. 74, Sec. 27 (1933)], was held to apply only to lenders, and not to persons selling goods or services on a credit or installment basis. (See e.g., *Wernick v. National Bond and Investment Co.*, 276 Ill. App. 4 (1934).)

A) Characteristic Services. Small loan companies are permitted to make loans not exceeding an aggregate principal amount of \$10,000 to any borrower for terms not exceeding 12 months. A characteristic service of small loan companies is the issuance of a characteristic service of small loan companies. Gross income from the provision of the characteristic services of a small loan company includes loan application and origination fees, interest, late payment charges and similar amounts realized in connection with loans not

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exceeding the principal amount of \$10,000 and for terms not exceeding 12 months. Amounts received or accrued in connection with any loan for a principal amount in excess of \$10,000 or for a term in excess of 12 months are not gross income from the provision of the characteristic services of a small loan company. Finally, because 205 ILCS 670/21 provides that the Consumer Installment Loan Act does not apply to persons making loans to business associations or corporations, or to sole proprietors of businesses for the purpose of carrying on or acquiring such businesses, amounts received in connection with such business loans are not gross income from the provision of the characteristic services of a small loan company.

B) Regulation. A small loan company operating in Illinois must be licensed by the Director of Financial Institutions. An entity operating in any other state must be licensed or subject to regulation by any equivalent authority in that state. In all cases, the entity must comply with the regulations issued by the Board of Governors of the Federal Reserve System under the Truth in Lending Act.

10) Entities engaged in the business of a "sales finance company". The term "sales finance company" means an entity primarily engaged in the business of purchasing or making loans upon the security of retail installment contracts or retail charge agreements or purchasing or making loans under such contracts or agreements. 205 ILCS 5/150(a)(8)(C).

A) This statute's definition of sales finance company is taken from the definition of persons licensed under the Sales Finance Agency Act [205 ILCS 660/5]. As used in the Sales Finance Agency Act, the terms "retail installment contract" and "retail charge agreement" means instruments prescribing the terms under which a sale of goods or services is made by a retail seller to a retail buyer for a deferred payment price payable in one or more installments, within the meaning of either the Retail Installment Sales Act [815 ILCS 405] or the Motor Vehicle Retail Installment Sales Act [815 ILCS 375/2.5]. (See 205 ILCS 660/2.) Credit agreements subject to the Retail Installment Sales Act and the Motor Vehicle Installment Sales Act are limited to agreements related to retail purchases for personal, family, and household use. (See 815 ILCS 375/2.2 and 815 ILCS 405/2.1.)

B) 35 ILCS 5/150(a)(8)(C) also provides that the term "sales finance company" includes but is not limited to persons primarily engaged in the business of purchasing or making loans on the security of credit contracts or agreements which are not retail installment contracts or retail charge agreements within the meaning of the Sales Finance Agency Act, including persons:

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- ii) to whom the Sales Finance Agency Act does not apply by reason of Section 17;
- iii) whose activities would be governed by the Sales Finance Agency Act if conducted within this State;
- iii) whose activities are governed by the Retail Installment Sales Act, or would be so governed if conducted within this State;
- iv) whose activities are governed by the Motor Vehicle Retail Installment Sales Act, or would be so governed if conducted within this State;
- v) who are engaged in commercial finance activities governed by the Uniform Commercial Code, as adopted by this State, who would be so governed if conducted within this State;
- vi) whose activities include "finance leasing" of tangible personal property by transactions which are the economic equivalent of purchasing or making of loans upon the security of retail installment contracts or retail charge agreements or the outstanding balances under such contracts or agreements.

C) A "sales finance company" is therefore a person primarily engaged in business activities which would subject that person to the Sales Finance Agency Act if the activities were conducted in Illinois (subsection (d)(10)(A) and (B)(i) through (iv) of this Section); if the Sales Finance Agency Act applied to installment agreements and charge agreements arising in connection with retail and wholesale purchases by businesses and corporations (subsection (d)(10)(B)(v) of this Section), as well as those arising in connection with retail purchases for personal, family and household purposes; and if finance leases were installment agreements or charge agreements within the meaning given those terms in the Sales Finance Agency Act (subsection (d)(10)(B)(vi) of this Section).

D) Because 35 ILCS 5/1501(a)(8)(C) expressly provides that an entity must be primarily engaged in the business of a sales finance company in order to be characterized as a financial organization, an entity's gross income from the characteristic activities of a sales finance company must exceed 50 percent of its total gross income, rather than 80 percent required for other definitions.

E) Characteristic Services. The Sales Finance Agency Act applies only to persons who purchase credit advances from retailers or make loans to retailers, secured by credit agreements (see 205 ILCS 660/2(a)). Gross income from characteristic activities of a sales finance company therefore includes interest, late charges, discounts and

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other amounts realized in connection with receivables purchased or loans made to sellers on the security of receivables. Items of income from loans made directly to purchasers are not gross income from the provision of characteristic services of a sales finance company.

E) Regulation. A sales finance company operating in Illinois other than a person exempted from the Sales Finance Agency Act under Section 17(b) of that Act or a person which is exempt from that Act because that person does not deal in agreements related to retail purchases for personal, family and household use) must be licensed by the Director of Financial Institutions. An entity operating in any other state must be licensed or subject to regulation by the equivalent authority (if any) established in that state.

1) Entities engaged in the business of an "investment company". The term "investment company" means an entity which comes within the meaning of 15 U.S.C. Section 80a-3(a) or 815 ILCS 5/7, and is predominantly engaged in the business of investing, reinvesting and trading in securities.

A) Characteristic Services. 15 U.S.C. Section 80a-3(a) defines an investment company as an entity engaged in the business of investing, reinvesting and trading in securities. Accordingly, the characteristic services of an investment company are the raising of capital from investors in order to purchase capital securities of other entities. Gross income from the characteristic services of an investment company include interest, dividends and gains from sales of securities.

B) Regulation. In order to be characterized as an investment company under the IFIA, an entity doing business in Illinois must register with the Director 915 ILCS 5/7, and an entity doing business in the United States must be registered as an investment company with the Securities and Exchange Commission. Any other entity must be subject to the equivalent authority (if any) in its state or country of formation or commercial domicile.

E) The term "bank" includes the following entities, regardless of whether the entity is engaged in the characteristic business of a bank as described in subsection (d)(1) of this Section. An entity described in this subsection (e) is a bank even if it qualifies as a financial organization under one of the provisions of subsection (d) of this Section:

1) any entity that is regulated by the Comptroller of the Currency under the National Bank Act, or by the Federal Reserve Board, or by the Federal Deposit Insurance Corporation.

A) An "entity regulated by the Comptroller of the Currency under the National Bank Act" means a national banking association formed under 12 U.S.C. Section 21.

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B) An "entity regulated by the Federal Reserve Board" means a member of the Federal Reserve System under the provisions of 12 U.S.C. Section 222 or 12 U.S.C. Section 321.

C) An "entity regulated by the Federal Deposit Insurance Corporation" means an insured depository institution under 12 U.S.C. Section 1814.

2) any federally or State chartered bank operating as a credit card bank. A "credit card bank" is the common term for an entity which comes within the definition of "bank" for purposes of the Bank Holding Company Act of 1956 (12 U.S.C. Section 1841(c)(1)), but which is excluded from being treated as a bank under 12 U.S.C. Section 1841(c)(2)(F).

E) Entities engaged in the business of a "bank holding company". The term "bank holding company" means an entity which directly or indirectly owns, controls or has power to vote 25 percent or more of any class of voting securities of any bank or of any other bank holding company (see 12 U.S.C. Section 1841(a)), and which is registered with the Board of Governors of the Federal Reserve System under Section 1844(a) of the Bank Holding Company Act of 1956 (12 U.S.C. Section 1844(a)).

G) Special Rule for Persons Owned by a Bank or Bank Holding Company. The term "financial organization" under the Illinois Income Tax Act includes any person which is owned by a bank (within the meaning of subsection (d)(1) of this Section or subsection (e) of this Section) or bank holding company (within the meaning of subsection (f) of this Section). For purposes of this provision, the term "person" includes only those persons in which a bank holding company may acquire and hold an interest, directly or indirectly, under the provisions of the Bank Holding Company Act of 1956 (12 U.S.C. Section 1841 et seq.) and Regulation Y promulgated thereunder by the Board of Governors of the Federal Reserve System (12 C.F.R. Part 225), and does not include any person which must be disposed of within certain required time limits under the Bank Holding Company Act of 1956. Under this provision, an entity which would not otherwise be a "financial organization" is deemed to be a financial organization for any period during which it is owned by a bank or bank holding company. For example, 12 U.S.C. Section 1843(c)(8) authorizes bank holding companies to own insurance companies in certain circumstances. An insurance company owned by a bank holding company is a "financial organization" for purposes of the IITA, even though the insurance company would not otherwise be a bank holding company. The fact that an entity which is not owned by a bank holding company would be a financial organization under this provision if it were owned by a bank holding company, or that the entity in the past may have been owned by a bank holding company and therefore characterized as a financial organization, is irrelevant to the determination of whether the entity is a financial organization. Partnerships. If a partnership is not itself a financial organization within the meaning of this Section, without taking into account its

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ownership by a bank or bank holding company, the partnership and any of its partners which is neither a bank nor a bank holding company shall determine their Illinois net income subject to Illinois Income Tax and to Personal Property Tax Replacement Income Tax by using the apportionate formula which is appropriate to the partnership's own business activities. Any bank or bank holding company which is a partner in that partnership and which is engaged in a unitary business with that partnership shall, in determining the amount of its business income apportioned to this State under Section 304(c) of the IITA, include its partner's share of the business income of the partnership in its business income and shall include its partner's share of the partnership's apportionment factors determined under Section 304(c) of the IITA in its apportionment factors.

I) Effective dates and elections. P.A. 89-711 amended the definition of the term "financial organization" in IITA Section 1501(a)(8) by adding the definition of "bank" in IITA Section 1501(a)(8)(B) and the definition of "sales finance company" in IITA Section 1501(a)(8)(C).

1) Application of IITA Sections 1501(a)(8) to taxable years beginning on or before December 31, 1996. The General Assembly declared in IITA Section 1501(a)(8)(D) that the definitions of the terms "bank" and "sales finance company" in IITA Section 1501(a)(8)(B) and (C) are declaratory of existing law and apply retroactively for all tax years beginning on or before December 31, 1996. No other definitions were changed. Accordingly, except as provided in this subsection (1), the interpretations of the statutory definitions contained in subsections (a) through (h) apply retroactively and for all purposes to all taxable years.

2) For taxable years beginning on or before December 31, 1996, P.A. 89-711 provides that the definitions of "bank" and "sales finance company" shall apply to all original returns; to all amended returns filed within 30 days of the effective date of the Act; to all math error notices issued by the Department under IITA Section 903(a); to all Notices of Deficiency issued by the Department under IITA Section 904(a); to all notices of denial of refund claims issued under IITA Section 909(e); and to all assessments of erroneous refunds made under IITA Section 912.

A) P.A. 89-711 imposes no time limit for the filing of an original return applying its provisions to taxable years beginning on or prior to December 31, 1996. Accordingly, taxpayers may file original returns claiming financial organization status under the amended definitions of "bank" and "sales finance company" at any time, provided that such returns are filed within the applicable statute of limitations period and meet all other relevant requirements of the IITA.

B) Taxpayers required to file amended returns in order to claim financial organization status for a taxable year beginning

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public. A credit card bank governed by an election under this subsection (i) therefore cannot be a "bank" under subsection (d)(1) of this Section. Note, however, that a credit card bank governed by such an election may qualify as a financial organization under some other provision of this Section; in particular, a credit card bank may be engaged in the business of a sales finance company as defined in the subsection (i)(3)(D)(ii) of this Section.

ii) Effect on "sales finance companies" as defined in IRTA Section 1501(a)(8)(C). P.A. 89-711 expanded the definition of "sales finance company" to include entities which buy, or make loans secured by, installment agreements or charge agreements of corporations and businesses and to include entities which are primarily engaged in the business of a sales finance company. An entity governed by an election under this subsection (i) will be a sales finance company only if: it is engaged in the business of buying, or making loans secured by, installment agreements and charge agreements arising from retail purchases for personal, family or household use; more than 80 percent of its gross income is derived from transactions characteristic of a financial organization; and it meets the other requirements of subsection (d)(10) of this Section.

iii) An election made under Section 1501(a)(8)(E) applies only to taxable years beginning on or before December 31, 1996. For all subsequent taxable years, the provisions of Section 1501(a)(8) as amended in P.A. 89-711 and interpreted in subsections (a) through (d) of this Section shall apply.

iv) Section 1501(a)(8)(E) provides that the election applies to those members of the taxpayer's unitary business group who are ordinarily required to apportion business income under the same subsection of Section 304 of the Act. An election made by one or more such members is binding on all such members, whether or not they expressly joined in the election, and the Department may enforce such election either directly or by offsetting any refund payable to the taxpayer. As the result of the election by any underpayment of any other taxpayer to whom such election also applies, to the extent such underpayment results from the making of the election.

(Source: Added at 22 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Telecommunications Excise Tax
- 2) Code Citation: 86 Ill. Adm. Code 495
- 3) Section Numbers: 495.105
Proposed Action: Amendment
- 4) Statutory Authority: 35 ILCS 630/17
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the regulation to clarify that the exemption afforded to "State governments" under Section 2 of the Telecommunications Excise Tax Act extends only to agencies of the State and other State governments.
- 6) Will this proposed rule replace an emergency rule currently in effect: No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part: No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not impose a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

 Jerilyn T. Gorden
 Senior Counsel, Sales and Excise Taxes
 Illinois Department of Revenue
 Legal Services Office
 401 West Jefferson
 Springfield, IL 62794
 Phone: (217) 782-7054
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking imposes no additional requirements upon these entities.
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements.
 - C) Types of professional skills necessary for compliance: No additional

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requirements.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendment(s) begins on the next page:

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TITLE 86. REVENUE

CHAPTER 1. DEPARTMENT OF REVENUE

PART 495

TELECOMMUNICATIONS EXCISE TAX

Section	Meaning of "Gross Charges"
495.100	Exemptions
495.105	Retailers
495.110	Interstate
495.115	Mobile Operations Reporting Option
495.120	Responsibility for Accounting and Payment of Tax
495.125	Credits
495.130	

AUTHORITY: Implementing the Telecommunications Excise Tax Act [35 ILCS 630] and authorized by Section 17 of the Telecommunications Excise Tax Act [35 ILCS 630/17].

SOURCE: Adopted at 14 Ill. Reg. 11321, effective July 1, 1990; amended at 21 Ill. Reg. 13658, effective September 29, 1997; amended at 22 Ill. Reg. _____, effective _____.

Section 495.105 Exemptions

The exemption for State Governments and State universities created by statute and political subdivisions extends only to telecommunications purchased by such entities for their own use. Such entities are not exempt from the obligation to collect and remit tax on sales of telecommunications to others when they act as retailers of telecommunications. For example, a university acting as a retailer of telecommunications to its students, by the university, of telecommunications services for use by its faculty, staff, or students, is not exempt from the obligation to collect and remit tax on sales of telecommunications services to students in university dormitories.

(Source: Amended at 22 Ill. Reg. _____, effective _____.)

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1) Heading of the Part: Licensing Standards for Foster Family Homes

2) Code Citation: 89 Ill. Adm. Code 402

3) Section Numbers: Proposed Action:

402.2 Amend

402.5 Amend

402.7 Amend

402.8 Amend

402.12 Amend

402.15 Amend

402. Appendix B New

402. Appendix C New

4) Statutory Authority: Child Care Act of 1969 [225 ICS 10]

5) Effective Date of Amendments: December 19, 1997

6) Does this rulemaking contain an automatic repeal date? Yes

7) Do these amendments contain incorporations by reference? No

8) Date filed in Agency's Principal Office: December 19, 1997

9) Notice of proposal published in Illinois Register: December 20, 1996, 20 Ill. Reg. 15821

10) Has ICAR issued a Statement of Objection to these rules? No

11) Difference between proposal and final version: The editing changes requested by the Joint Committee on Administrative Rules were made. In addition, the following changes were made:

Two appendices were added to the table of contents. They were:

APPENDIX B Number and Ages of Children in Foster Family Home: No Child Requires Specialized Care

APPENDIX C Number and Ages of Children in Foster Family Home: Child Requires Specialized Care

In Section 402.2, Definitions, the following definitions were added:

"Adoptive placement" means a living arrangement with a family which is directed toward establishing that family as the child's new legal parents. To be considered an adoptive placement, the child must be placed in a licensed foster family home or a license-exempt relative home and:

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- be legally free (parental rights have been terminated or both parents have surrendered their parental rights); or
- be placed in a legal risk adoptive placement which has passed legal screening as described in 89 Ill. Adm. Code 309, Adoption Services for Children for whom the Department of Children and Family Services is legally responsible.

"Approved training" means:

- Foster/Adopt Pride core or supplementary training;
- foster parent conferences sponsored by the Department or statewide foster parent organizations;
- training provided under the auspices of a licensed child welfare agency when the agency's foster care program has been accredited by the Council on Accreditation of Services for Families and Children, Inc., 520 Eighth Avenue, Suite 2202B, New York, NY 10018;
- surrogate parent training sponsored or approved by the Illinois State Board of Education;
- training toward first-aid, Heimlich maneuver, and/or cardiopulmonary resuscitation (CPR) certification by the American Red Cross or the American Heart Association; or
- other training approved in writing by the Child Welfare Training Institute of the Department of Children and Family Services.

"Specialized care" means care provided to a child who has developmental, emotional, behavioral or medical needs and who has been determined to require specialized care. The need for specialized care shall be redetermined once every six months.

The proposed definition of "Training approved by the Department" was removed.

The definition of "In-service training" was modified to read:

"In-service training" means approved training provided to currently licensed foster parents.

The definition of licensing representative was modified to read:

"Licensing representative" means persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

The definition of "Reputable character" was modified to read:

"Reputable character" means there is satisfactory evidence that

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The moral character of the applicant is trustworthy.

The definition of "Respite care" was modified to read:

"Respite foster care" means temporary (not to exceed 30 days), full-time care in a licensed foster family home, group home, or child care institution, or in a license exempt relative home, when such temporary, full-time care is provided to foster children. Respite foster care is provided to foster children in order to give the full-time caregivers a rest from caregiving responsibilities and to prevent placement disruption.

In Section 402.5, Application for Renewal of License, subsection (d) was modified to quote Section 10-65 of the Illinois Administrative Procedure Act so that it reads:

When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final agency decision on the application has been made unless a later date is fixed by order of a reviewing court. (Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65])

In Section 402.7, Provisions Pertaining to the Licensing, subsection (b) was modified to read:

The number of children cared for in the foster family home shall not exceed the license capacity and must conform with the requirements for the number and ages of children specified on the license.

In Section 402.8, General Requirements for the Foster Home, subsection (b), the maximum hot water temperature requirement was modified to read:

If the foster family home accepts children under age ten or who are developmentally disabled, the maximum hot water temperature from all showers and bathtubs shall be no more than 115° Fahrenheit.

In Section 402.12, Qualifications of Foster Family, subsection (c), was modified to read:

c) The capability of the foster parents to provide care shall be considered prior to licensure of the foster family home. A decision to establish the age and number of children permitted in the home shall be based on an assessment of the foster family and shall consider at least the following:

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- 1) the foster parents' capability to provide care including an evaluation of the caregivers' health, strength, and mobility;
- 2) the number, chronological and functional age, and characteristics and needs of the children currently under the care of the foster parents. This shall include an assessment of the foster parents' own children under age 18, all other children under age 18 receiving full-time care, and children receiving day care services in the foster family home;
- 3) the characteristics, limitations, and responsibilities of the caregivers. All members of the foster family shall be free from active alcohol or substance dependency;
- 4) the caregivers' ability to appropriately care for and adequately supervise the children currently in the home, as well as their ability to care for and supervise the ages, needs and behaviors of the children who may be placed in the foster family home; and
- 5) the number of foster parents in the home and the availability and experience of child care assistants.

Subsection (k) of Section 402.12 was modified to read:

In addition, each foster parent shall complete, as a condition of license renewal, approved in-service training in accordance with the schedule below. Child welfare agencies may require foster families under their supervision to complete additional training as a condition of continued supervision by the agency.

License Renewal Due	Clock Hours of Required	Approved Training
In Year:		
1998	4.0	
1999	8.0	
2000	12.0	
2001 or thereafter	16.0	

A statement was added to subsection (m) of Section 402.12 which reads:

The plan for achieving compliance shall indicate whether children can remain in the foster home and whether new placements may be made in the foster home while the foster home is achieving compliance with the licensing standards.

Section 402.15, Number and Ages of Children Served, the following changes were made:

(a)(1) The maximum number of children permitted in a foster family home shall be six children who do not require specialized care,

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except as permitted in subsections (c),(d) and (e) of this Section. This maximum number includes the foster parents' own children under age 18 and all other children under the age of 18 receiving full-time care.

(a)(2) When determining how many children a foster family home may accept for care, the maximum number of children shall be reduced as described in Appendix C when the foster, adopted, or biological children have developmental, emotional, behavioral, or medical needs that require specialized care.

c) Expanded Capacity Provisions for Foster Family Care

1) Foster parents may be licensed to care for more than six children on a full-time basis only if the foster parents are otherwise in compliance with the requirements of this Part, can meet the licensing standards for the additional children and have demonstrated competency in caring for the ages and characteristics of children for whom they are seeking the expanded capacity license. The maximum number of children permitted in foster family home with an expanded capacity license is eight children, unless:

- A) all of the foster children are of common parentage, as defined in Section 402.2, and the Director of the Department has personally approved the placement; or
- B) a waiver to permit an adoptive placement has been granted by the Director in accordance with subsection (e) below.

(d) The title was revised to read: Foster Care Placements Made Before January 1, 1998. Subsection (d)(1) was revised to read:

These amendments are not retroactive in their effect. If more than six children under age 18 are residing in a foster family home as of December 31, 1997, the appropriateness of continuing in the foster care placement shall be evaluated for each child by June 30, 1998. The results of the evaluation shall be documented in the child's case record and a copy forwarded to the Department's local office of licensing.

Appendices B and C were added which read as follows:

APPENDIX B: Number and Ages of Children in Foster Family Home: No Child Requires Specialized Care

Number and Ages of Children Under Age 18 in a Foster Family Home

(includes family's own children under age 18)
No Child Requires Specialized Care

All Foster Children Have Same Mother or Same Father

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Ages of Children	Regular Foster Home License Number of Children	Expanded Capacity License(1) Number of Children(2)
Total number	6	As needed in order to keep siblings together(2)
Under age six	4(3)	4(3)
Under age two	2	2
(1) Approved only to allow placements of sibling groups, foster children with children, respite care, and for purposes of adoption.		
(2) To exceed eight children requires personal approval by the Director of the Department.		
(3) May exceed four children under age six in order to keep siblings together with the approval of clinical services and licensing.		
Number and Ages of Children Under Age 18 in a Foster Family Home (includes family's own children under age 18) No Child Requires Specialized Care All Foster Children Do Not Have Same Mother or Same Father		

Ages of Children	Regular Foster Home License Number of Children	Expanded Capacity License(1) Number of Children
Total number	6	8(2)
Under age six	4	4
Under age two	2	2

- 1) Approved only to allow placements of sibling groups, foster children with children, respite care, and for purposes of adoption.
- 2) May exceed eight children when the placement is an adoptive placement and the waiver is personally approved by the Director of the Department.

APPENDIX C: Number and Ages of Children in Foster Family Home: Child Requires Specialized Care

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Number and Ages of Children Under Age 18
in a Regular Foster Family Home
(includes family's own children under age 18)
Children Require Specialized Care

Ages of Children	One Child Requires Specialized Care	Two Children Require Specialized Care	Three Children Require Specialized Care	Four Children Require Specialized Care
Total Number	5	4	4(1)	4(1)
Under age six	4	3	3(1)	2(1,2)
Under age two	2	2	2(1)	1(1,2)

- 1) Requires approval of the manager of clinical services and the licensing supervisor.
- 2) May allow one more child if approved via a staffing held in the foster parent's home which includes licensing, clinical services, the child welfare workers for all involved children, and the foster parents.
- 12) Have all the changes agreed upon by the agency and JCARE been made as indicated on the agreement letter issued by JCARE? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are these proposed amendments to this Part pending? No

15) Summary and Purpose of These Adopted Amendments: The Department is proposing amendments to its Licensing Standards for Foster Family Homes to bring these standards into compliance with the standards for accreditation published by the Council on Accreditation for Children and Families.

These proposed amendments:

- more clearly define what constitutes reputable and responsible moral character,
- require that Foster family homes which care for children under age ten or who are developmentally disabled have a water temperature control device on all faucets for tubs and showers to limit the maximum hot water temperature to 115 Fahrenheit, prescribe minimum requirements for in-service training of at least 16.0 hours per four year license period and condition license renewal on obtaining the required training.

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- reduce the maximum capacity in licensed foster family homes to six children, including the foster family's own children under age 18 and all other children under age 18 receiving full-time care,
- adjust the maximum capacity in licensed foster family homes to fewer children when the children require specialized care,
- allow no more than four children under age six and no more than two children under age two unless the foster family is accommodating a sibling group on a temporary basis,
- provide for expanded capacity licenses to be issued which allow foster families to care for eight children under age 18 if it allows siblings from one or more sibling groups to be placed together, minor parents to have their own children reside with them in foster care, or enables a foster family to provide respite care services for more than two weeks per year, and
- allow for a maximum of eight children under age 18 in order to effect an adoptive placement. The Director of the Department may waive this maximum of eight children at his discretion, but only to effect an adoptive placement.

These adopted amendments also require a review to be completed by June 30, 1998, of currently licensed foster family homes with more than six children to determine the suitability of the current placement. Children will be moved to another setting only if there are concerns about the foster family's ability to provide appropriate care.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jerry B. Crabtree
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TTY: (217) 524-3715
e-mail address: ORPINFO@state.il.us

The full text of the adopted amendment begins on the next page.

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER c: REQUIREMENTS FOR LICENSURE

PART 402
LICENSING STANDARDS FOR FOSTER FAMILY HOMES

Section	Purpose
402.1	Definitions
402.2	Effective Date of Standards (Repealed)
402.3	Application for License
402.5	Provisions Pertaining to License
402.6	Provisions Pertaining to the License
402.7	General Requirements for the Foster Home
402.8	Requirements for Sleeping Arrangements
402.9	Nutrition and Meals
402.10	Business and Employment of Foster Family
402.11	Qualifications of Foster Parents
402.12	Background Inquiry
402.13	Health of Foster Family
402.14	Number and Ages of Children Served
402.15	Meeting Basic Needs of Children
402.16	Health Care of Children
402.17	Religion
402.18	Recreation and Leisure Time
402.19	Education
402.20	Discipline of Children
402.21	Emergency Care of Children
402.22	Release of Children
402.23	Confidentiality of Information
402.24	Required Written Consents
402.25	Records to be Maintained
402.26	Licensing Supervision
402.27	Adoptive Homes
402.28	Severability of This Part
402.29	
APPENDIX A	Criminal Convictions Which Prevent Licensure
APPENDIX B	Number and Ages of Children in Foster Family Home: No Child Requires Specialized Care
APPENDIX C	Number and Ages of Children in Foster Family Home: Child Requires Specialized Care
AUTHORITY:	Implementing and authorized by the Child Care Act of 1969 (225 ILCS 10).
SOURCE:	Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981;

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emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992; emergency amendment at 18 Ill. Reg. 8481, effective May 20, 1994, for a maximum of 150 days; emergency expired on October 17, 1994; amended at 19 Ill. Reg. 1801, effective February 1, 1995; amended at 19 Ill. Reg. 9463, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; amended at 20 Ill. Reg. 1589, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 3954, effective February 16, 1996, for a maximum of 150 days; emergency expired July 15, 1996; amended at 21 Ill. Reg. 4548, effective April 1, 1997; amended at 22 Ill. Reg. 206 -- = DEC 1, 1997.

Section 402.2 Definitions

"Adoptive placement" means a living arrangement with a family that is directed toward establishing that family as the child's new legal parents. To be considered an adoptive placement, the child must be placed in a licensed foster family home or license exempt relative home for purposes of adoption and:

- = be legally free (parental rights have been terminated or both parents have surrendered their parental rights); or
- = be placed in a legal risk adoptive placement that has passed legal screening as described in 89 Ill. Adm. Code 309. Adoption Services for Children for whom the Department of Children and Family Services is legally responsible.

"Approved training" means:

- = Foster/Adopt Pride core or supplementary training;
- = foster parent conferences sponsored by the Department or statewide foster parent organizations;
- = training provided under the auspices of a licensed child welfare agency when the agency's foster care program has been accredited by the Council on Accreditation of Services for Families and Children, Inc., 520 Eighth Avenue, Suite 2202B, New York, NY 10018;
- = approved parent training sponsored or approved by the Illinois State Board of Education;
- = training toward first-aid, Heimlich maneuver, and/or cardiopulmonary resuscitation (CPR) certification by the American Red Cross or the American Heart Association; or
- = other training approved in writing by the Child Welfare Training Institute of the Department of Children and Family Services.

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"Background check" means:

- = a criminal history check via fingerprints of persons age 18 and over which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, or via a LEADS check of persons ages 13 through 17; and
- = a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- = a check of the Statewide Child Sex Offender Registry.

"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Illinois Department of Children and Family Services.

"Child" means any person under 18 years of age. [225 ILCS 10/2.01]

"Child--means-any-person-under-18-years-of-age"

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from their parents, or transfers or the right of custody and facilities defined in the Child Care Act of 1969, to be housed and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home pursuant to Section 4 of the Child Care Act of 1969. [225 ILCS 10/2.05]

"Classifiable fingerprints" means fingerprints have been obtained through an electronic or ink printing process which were determined to provide sufficiently clear impressions to identify the individual from whom the prints were obtained.

"Common parentage" means having the same biological or adoptive father, the same biological or adoptive mother, or the same biological or adoptive father and mother.

"Complete application for foster family home license" means a completed written application form; written authorization by the applicant and all adult members of the household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; and fingerprints submitted by the applicant and all adult members of the applicant's household. [225 ILCS 10/4]

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"Department" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02] **"Department--means-the-Department-of-Children-and-Family-Services"**

"Expanded capacity license" means the foster family home has been issued a license from the Department authorizing the foster family to accept more than six children for care (including the family's own children under age 18 and all other children under age 18 receiving full-time care) as permitted in Section 402.15(c) (for foster care placements) or 402.15(e) (for adoptive placements).

"Foster family home" means a facility for child care in residences of families who receive no more than 8 children unrelated or related to them, unless all the children are of common parentage, or residences of relatives who receive no more than 8 related or unrelated children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except the Director of Children and Family Services, pursuant to Department regulations, may waive the limit of 8 children unrelated to an adoptive family for good cause to facilitate an adoptive placement. The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served. [225 ILCS 10/2.17] The Department requires foster family homes to receive an expanded capacity license allowing them to receive more than six children, including their own children under age 18 and all other children under the age of 18 receiving full-time care.

"Full-time care" means the child is a resident of the household, whether on a temporary, emergency, or permanent basis, and is receiving family care usually provided by a parent or guardian.

"In-service training" means approved training provided to currently licensed foster parents.

"LEADS" means the Law Enforcement Agencies Agency Data System.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act.

"License applicant" means the operator or person with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969)

"License" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and

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Family Services.

"Licensing applicant" means those individuals, agencies, or organizations who applied for a license from the Department of Children and Family Services.

"Licensing representative" means those persons authorized by the Department staff or other persons authorized under the Child Care Act of 1969 to examine facilities for licensure.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which is punishable solely by fines as a petty offense. [625 ILCS 5/6-601] "Minor traffic violation" as used in this Party means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which resulted in a fine of \$100.00 or less without other penalty such as license suspension or revocation, probation, jail sentence or community service work.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a two month period to allow the individual(s) to become eligible for an initial foster family home a license.

"Petty offense" means any offense for which a sentence to a fine only is provided. [170 ILCS 5/3-1-17]

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
 - is the spouse of such a relative, or
 - is the child's step-father, step-mother, or adult step-brother or step-sister.
- Relative also includes a person related in any of the foregoing ways to a sibling or child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 305/7(b)]

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"Reputable character" means there is satisfactory evidence that the moral character of the applicant is trustworthy.

"Respite foster care" means temporary (not to exceed 30 days), full-time care in a licensed foster family home, group home, or child care institution, or in a license exempt relative home, when such temporary, full-time care is provided to foster children. Respite foster care is provided to foster children in order to give the full-time caregivers a rest from caregiving responsibilities and to prevent placement disruption.

"Responsible" means trustworthy performance of expected duties which serves the best interests of the foster children as evidenced by established child welfare standards, State and Federal law, and the rules of the Department.

"Specialized care" means care provided to a child who has developmental, emotional, behavioral, or medical needs and who has been determined to require specialized care. The need for specialized care shall be redetermined once every six months.

"Supervising agency", for the purpose of this part, means a licensed child welfare agency, a license-exempt agency, or the Department of Children and Family Services.

(Source: Amended at 22 Ill. Reg. 9.03.01, effective 01/01/01)

Section 402.5 Application for Renewal of License

- a) Application forms for license renewal shall be mailed to foster parent licensees by the supervising agency three months prior to the expiration date of the license.
- b) The completed, signed application for renewal of the license shall be received submitted to by the supervising agency no later than 30 days after from the date the application forms for license renewal were mailed to the licensee licensee(s).
- c) Upon receipt of the application for license renewal, the supervising agency shall conduct a license study in order to determine that the foster home continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the supervisor and signed by the worker performing the study. When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final agency decision on the application has been made unless a later date is fixed by order of a reviewing court. [Section 10-65(b) of the Illinois Administrative Procedure Act]
- d)

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- d) [5 ILCS 100/10-45(b)]
When a license has been made timely and sufficient application for the renewal of a license and the department fails to render a decision on the application prior to the expiration date of the license, the existing license shall continue in full force and effect for up to 49 days until the final department decision has been made. The department may further extend the period in which such decision must be made in individual cases for up to 30 days if good cause is shown. Good cause includes but is not limited to shortages of staff.

(Source: Amended at 22 Ill. Reg. 208, effective DEC 1, 1999)

Section 402.7 Provisions Pertaining to the License

- a) A foster family home license is valid for four years unless revoked by the Department or voluntarily given up by the licensee.
 b) The number of children cared for in the foster family home shall not exceed the license capacity and must conform with the requirements for the number and ages of children specified on the license who may reside in a foster family home.
 c) The foster parents' biological and adopted children under 18 years of age and all other children under 18 years of age receiving full-time care shall be counted when determining license capacity.
 d) The license shall not be transferred to another person or other legal entity.
 e) The license shall not be valid for a name or an address other than the name and address on the license.
 f) A current license shall be available in the foster home at all times.
 g) There shall be no fee or charge for the license.
 h) The foster family shall adhere to the provisions or restrictions specified on the license in accordance with these rules.

(Source: Amended at 22 Ill. Reg. 208, effective DEC 1, 1999)

Section 402.8 General Requirements for the Foster Home

- a) The foster home shall be clean, well ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
 b) The water supply of the foster family home shall comply with the requirements of the local and state health departments. If the foster family home accepts children under age ten or who are developmentally disabled, the maximum hot water temperature from all showers and bathtubs shall be no more than 115° Fahrenheit. If well water is used, shall be on file with the supervising agency.
 c) Portable space heaters may be used as a supplementary source of heat

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- if they meet safety approval standards (Underwriters Laboratories) and are used in accordance with local and State building and fire codes. Portable space heaters may not be used in rooms where children are sleeping. Portable and fixed space heaters in areas occupied by children shall be separated by fire resistant partitions or barriers to prevent contact with the heater.
 d) Prescription and nonprescription drugs, dangerous household supplies, dangerous tools, weapons, guns, and ammunition shall be kept in a safe place. Loaded guns shall not be kept in a foster home unless required by law enforcement's safety procedures.
 e) Foster parents shall comply with all requirements of the state laws and municipal codes for household pets. Certificates of inoculation for rabies shall be available for inspection.
 f) The foster home shall have an operating telephone on the premises unless the supervising agency has approved a written plan detailing the immediate and unrestricted access to such an instrument.
 g) The foster home shall have fire and emergency evacuation plans which are to be discussed and routinely rehearsed with the children.
 h) Adequate closet and dresser space comparable to that provided to the other children of the household shall be provided for each foster child to accommodate personal belongings.
 i) Foster parents shall respect children's rights to privacy while sleeping, toileting and dressing.

(Source: Amended at 22 Ill. Reg. 208, effective DEC 1, 1999)

Section 402.12 Qualifications of Foster Family

- a) The licensee(s) shall be either a single person or a man and woman married to each other. Each foster parent shall be willing and able to assume appropriate responsibilities for the child or children to receive for care.
 b) Foster parents shall be stable, law abiding, responsible, mature individuals, at least 21 years of age.
 c) The capability of the foster parents to provide care shall be considered prior to licensure of the foster family home. The foster family shall be able to care for children admitted in the home and shall consider at least the following:

- 1) The foster parents' capability to provide care including an evaluation of the caregivers' health, strength, and mobility;
- 2) The number, chronological and functional age, and characteristics and needs of the children currently under the care of the foster parents. This shall include an assessment of the foster parent's own children under age 18, all other children under age 18 receiving full-time care, and children receiving day care

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services in the foster family home;
 3) the characteristics, limitations, and responsibilities of the caregivers. All members of the foster family shall be free from active alcohol or substance dependency.

4) the caregivers' ability to appropriately care for and adequately supervise the children currently in the home, as well as their ability to care for and supervise the ages, needs, and behaviors of the children who may be placed in the foster family home; and
 5) the number of foster parents in the home and the availability and experience of child care assistants.

d) All members of the household age 13 and older (except for foster children) shall have passed the background check required by 89 Ill. Adm. Code 389, Background Checks. Foster parents shall have passed the background check required for foster parents and adult members of the household, as required in 89 Ill. Adm. Code 389, Background Check of Foster Family Home Applicants.

e) Foster parents shall be able to accept agency supervision.

f) Foster parents shall adequately supervise children in their care to assure compliance with laws including, but not limited to, criminal laws.

g) Foster home applicants shall provide the names and addresses of at least three unrelated references persons who are not related to them who can attest that the applicants are of reputable and responsible to the applicant's moral character.

h) Unless parental rights have been terminated, foster parents shall respect and support a child's ties to his or her biological family and shall cooperate with the supervising agency and the service plan for the child and family. The foster parent shall provide sufficient financial resources to provide basic necessities for themselves and their own children.

i) Each foster parent shall complete, as a condition of initial licensure, at least six clock hours of approved pre-service training on content approved by the Department.

j) In addition, each foster parent shall complete, as a condition of license renewal, approved in-service training in accordance with the schedule below. Child welfare agencies may require foster families under their supervision to complete additional training as a condition of continued supervision by the agency.

License Renewal Due in Year: Clock Hours of Approved Training Required:

1998	4.0
1999	8.0
2000	12.0
2001 or thereafter	16.0

l) An expanded capacity license to allow foster homes to serve more than six children (including the foster parent's own children under age 18

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and all other children under age 18 receiving full-time care) may be granted if the foster family home meets the requirements of Section 402.15(c). As a provision of retaining the expanded capacity license, foster parents shall complete a total of 9.0 clock hours of approved training each calendar year, beginning the calendar year the expanded capacity license is issued.

m) A statement that describes how the foster family and the foster family's home comply with the requirements of this Part shall be placed in the permanent foster home record. If the foster family home is not in compliance with any of the licensing standards, these standards shall be specifically recorded and the plan for achieving compliance shall be outlined. The plan for achieving compliance shall indicate whether foster children can remain in the foster home and whether new placements may be made in the foster home while the foster home is achieving compliance with the licensing standards. The statement shall be updated to reflect any changes in the status of the foster family or the foster home. All such updates shall be entered within five working days after the change in status.

(Source: Amended at 22 Ill. Reg. 2, effective 8/1/00)

Section 402.15 Number and Ages of Children Served

a) General Rule Regarding the Number of Children in a Foster Family Home. Refer to Appendices B and C of this Part for a visual explanation of the number and ages of children allowed in a foster family home.

1) The maximum number of children permitted in a foster family home shall be six children who do not require specialized care, except as permitted in subsections (c), (d), and (e) of this Section. 2) Unless all of the foster children are of common parentage, as defined in Section 402.2, or a waiver has been granted in accordance with subsection (f) below, this maximum number includes the foster parents' own children under age 18 and all other children under the age of 18 receiving full-time care.

3) When determining how many children a foster family home may accept for care, the maximum number of children shall be reduced as described in Appendix C when the foster, adopted, or biological children have developmental, emotional, behavioral, or medical needs which require specialized care.

b) General Rules Regarding Ages of Children in a Foster Family Home

1) Four Children Under Age Six
 No more than four children under six years of age, including the foster parent's own children, shall receive full-time care in a foster family home at any one time. When all of the foster children are of common parentage, as defined in Section 402.2, the foster home may be specifically approved under subsection

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(c)(3)(A)(i) of this Section to care for more than four children under six years of age with the approval of clinical services and licensing.

2) Two Children Under Age Two

No more than two children, including the family's own children, shall be under two years of age unless the foster family home is accommodating a sibling group on a temporary basis.

c) Expanded Capacity License Provisions for Foster Family Care

1) Foster parents may be licensed to care for more than six children on a full-time basis only if the foster parents are otherwise in compliance with the requirements of this Part, can meet the licensing standards for the additional children and have demonstrated competency in caring for the ages and characteristics of children for whom they are seeking the expanded capacity license. The maximum number of children permitted in a foster family home with an expanded capacity license is eight children unless:

A) all of the foster children are of common parentage, as defined in Section 402.2, and the Director of the Department has personally approved the placement; or

B) a waiver to permit an adoptive placement has been granted by the Director in accordance with subsection (c) below.

2) No more than two of the children cared for under an expanded capacity license may be under two years of age unless the foster family home is accommodating a sibling group on a temporary basis.

3) Expanded capacity license may be issued to allow only the following types of care:

A) Sibling Groups

i) A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) in order to keep one or more sibling groups together in the foster family home.

ii) The maximum of no more than four children under age six does not apply when all of the foster children are of common parentage, as defined in Section 402.2, and clinical services and licensing have approved in writing a plan which allows for the full-time care of more than four children under age six.

iii) No expanded capacity license is required to allow overnight visits between siblings.

B) Foster Children with Children

A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) to

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allow foster children who are parents to bring their own children with them to live in the foster family home. The expanded capacity license is to allow the foster family home to accept more than six children, but does not exempt the home from compliance with the requirements of Section 402.15(b) of this Section, regarding the ages of children in the home.

C) Respite Foster Care

A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care), if the home provides respite foster care. Any children received for respite care shall be counted in the maximum of eight children.

d) Foster Care Amendments Made Before January 1, 1998

1) These amendments are not retroactive in their effect. If more than six children under age 18 are residing in a foster family home as of December 31, 1997, the appropriateness of continuing in the foster care placement shall be evaluated for each child by June 30, 1998. The results of the evaluation shall be documented in the child's case record and a copy forwarded to the Department's local office of licensing.

2) If the evaluation indicates that the foster children are receiving adequate supervision in the current foster family home and that compliance in the current foster family home is in the best interests of the foster children, the foster children may remain in the foster care placement, even if there are more than six children in the home (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care).

A) Foster parents are not required to obtain an expanded capacity license to continue to care for children already placed with them as of December 31, 1997, but may not accept additional foster children until the home complies with the requirements of Section 402.15 of this Part.

B) When the foster children in care as of December 31, 1997 move to another placement or attain the age of 18, the capacity of the foster home will be reduced until it reaches the maximum of six children, unless the foster parents have applied for and been granted an expanded capacity license allowing them to care for eight children.

3) If the evaluation finds that the foster children are not receiving adequate and appropriate care in their current foster family home or that remaining in the current foster family home is not in the best interests of one or more of the foster children, the affected children shall be moved to another appropriate placement. All such moves shall be made in a planned

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manner after prior notice has been given to the foster parents as required by 89 Ill. Adm. Code 327. Service Appeals Process.

- b) When determining how many children the foster family may have, the child who has special needs due to physical, mental, or emotional disabilities shall be considered at the level at which they function.
- c) The Director of the Department of Children and Family Services or designee shall waive in writing the maximum number of 8 children to effect an adoptive placement provided the following criteria are met:
- i) a licensed child welfare agency or the Department proposes to place an additional child or children in the home for the purpose of adoption;
 - 2) the child welfare agency or the Department has documented in the child's case record that this home is the most appropriate choice consistent with the best interest of the child or children;
 - 3) the foster family is otherwise in compliance with the licensing requirements of this Part, and could meet standards for the additional child or children; and
 - 4) the foster family has requested in writing that the Director waive the limit of 8 children under the age of 18 so that an additional child or children may be placed in their home for purposes of adoption;
 - d) No more than 4 children under the age of 6 years including the foster parent(s) own children shall receive full-time care at any one time. No more than 2 children including the family's own children shall be under the age of 2 years unless the foster parent(s) is aided by a child care assistant at least 16 years of age other than a foster child. The supervising agency may place children whose ages do not comply with this subsection in a foster family home when all of the foster children are of common parentage and the supervising agency's approval of the placement is documented in writing. Such approval shall include the name(s), birth date(s), and the common parent(s) of the foster child(ren);

e) Adoptive Placements

1) Maximum Number of Children

A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) in order to effect an adoptive placement. The Director of the Department of Children and Family Services may waive in writing the maximum number of eight children to effect an adoptive placement provided the following criteria are met:

- A) a licensed child welfare agency or the Department proposes to place an additional child or children in the home for the purpose of adoption;
- B) a licensed child welfare agency or the Department has documented in the child's case record that this home is the most appropriate choice for an adoptive placement and is

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consistent with the best interests and special needs of the child or children;

- C) the foster family is otherwise in compliance with the licensing requirements of this Part and can meet licensing standards for the additional child or children; and

D) the foster family or supervising agency has requested in writing that the Director waive the limit of eight children under the age of 18 so that an additional child or children may be placed in their home for purposes of adoption.

2) Ages of Children

The Director of the Department of Children and Family Services or designee may waive in writing the age requirements in subsection (b) of this Section (d), if necessary, to place a child in an adoptive home provided the criteria in subsection (C)(2) of this Section subsections (e)(1) through (4) are met and there are a sufficient number of suitable adult caregivers or child care assistants to insure that the children receive proper care and supervision.

- f) Independent Foster Family Homes A foster child who is the parent of another child placed in the same foster home may serve as a child care assistant in relation to the care of his or her own child. Child care assistants shall meet health requirements as specified in Section 402.14;

g) Independent foster homes receive children by independent arrangement. These homes are not subject to direct and regular supervision by a child welfare agency. These homes shall not be licensed for more than a maximum of four 4- children under age 18 (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) unless all of the unrelated children are of common parentage. No more than two 2 of these children, including the family's own children, shall be under the age of two unless the foster family is accommodating a sibling group on a temporary basis 2-unless of common parentage.

(Source: Amended at 22 Ill. Reg. 6-1-77, effective 7-1-77)

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Section 402. APPENDIX B Number and Ages of Children in Foster Family Home: No Child Requires Specialized Care

Number and Ages of Children Under Age 18 in a Foster Family Home
(includes family's own children under age 18)

No Child Requires Specialized Care

All Foster Children Have Same Mother or Same Father

Ages of Children	Regular Foster Home License Number of Children	Expanded Capacity License(1) Number of Children(2)
Total number	6	As needed in order to keep siblings together(2)
Under age six	4(3)	4(3)
Under age two	2	2

- (1) Approved only to allow placements of sibling groups, foster children with children, respite care, and for purposes of adoption.
(2) To exceed eight children requires personal approval by the Director of the Department.
(3) May exceed four children under age six in order to keep siblings together with the approval of clinical services and licensing.

Number and Ages of Children Under Age 18 in a Foster Family Home
(includes family's own children under age 18)

No Child Requires Specialized Care

All Foster Children Do Not Have Same Mother or Same Father

Ages of Children	Regular Foster Home License Number of Children	Expanded Capacity License(1) Number of Children
Total number	6	8(2)
Under age six	4	4

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Under age two 2

2

- 1) Approved only to allow placements of sibling groups, foster children with children, respite care, and for purposes of adoption.
2) May exceed eight children when the placement is an adoptive placement and the waiver is personally approved by the Director of the Department.

(Source: Added at 22 Ill. Reg. 207.1, effective 01/01/2000)

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Section 402.APPENDIX C Number and Ages of Children in Foster Family Home: Child Requires Specialized Care

Number and Ages of Children Under Age 18

In a Regular Foster Family Home

(includes family's own children under age 18)

Children Require Specialized Care

Ages of Children	One Child Requires Specialized Care			Two Children Require Specialized Care			Three Children Require Specialized Care			Four Children Require Specialized Care		
	5	4	3	2	1	0	5	4	3	2	1	0
Total Number	5	4	3	2	1	0	4(1)	4(1)	3(1)	2(1,2)	1(1,2)	0
Under age six	4	3	2	1	0	0	3(1)	3(1)	2(1)	1(1,2)	0	0
Under age two	2	2	2	2	1	0	2(1)	2(1)	2(1)	1(1,2)	0	0

1) Requires approval of the manager of clinical services and the licensing supervisor.

2) May allow one more child if approved via a staffing held in the foster parent's home which includes licensing, clinical services, the child welfare workers for all involved children, and the foster parents.

(Source: Added at 22 Ill. Reg. 91.1, effective 1/1/97)

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1) Heading of the Part: Residential Mortgage License Act of 1987

2) Code Citation: 38 Ill. Adm. Code 1050

3) Section Number: 1050.180
Adopted Action:
New Section

4) Statutory Authority: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635].

5) Effective Date of Adopted Amendments: December 19, 1997

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 19, 1997

9) Date Notice of Proposed Amendments was published in Illinois Register: September 19, 1997, 21 Ill. Reg. 12815

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: Non-substantive technical changes suggested by the Joint Committee on Administrative Rules were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace emergency amendments currently in effect? No

14) Are there any other proposed amendments pending on this Part? No

15) Summary and Purpose of Rules: Public Act 90-301, effective August 1, 1997, amended Section 2-4 of the Residential Mortgage Act of 1987. New section 2-4(w) of the Act now requires a licensee to advise the Commissioner in writing within 30 days when the licensee requires another licensee to repurchase a loan. New Section 2-4(x) of the Act requires a licensee to advise the Commissioner in writing within 30 days when that licensee is asked by another licensee to repurchase a loan. The intent of these statutory provisions is to make the Commissioner aware of loan repurchase activity, which often serves as an indicator that a licensee is experiencing problems with underwriting standards or fraudulent loan origination. The proposed rule clarifies the meaning of "repurchase a loan" to specify for licensees what should be reported to the Commissioner.

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- 16) Information and questions regarding these Adopted Amendments shall be directed to:

John Arthur
Legislative Liaison
Office of Banks and Real Estate
500 East Monroe, Suite 900
Springfield, Illinois 62701
217/782-3000 fax: 217/734-3941

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 1050

RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

SUBPART A: DEFINITIONS

Section	
1050.110	Act
1050.115	Administrative Decision
1050.120	Assisting
1050.125	Commissioner
1050.130	Control
1050.135	Document
1050.140	Employer
1050.145	Employer Subsidiary
1050.150	Hearing Officer
1050.160	Material
1050.165	Other Regulatory Agencies
1050.170	Party
1050.175	Principal Place of Business
1050.180	Repurchase a Loan
1050.185	State

SUBPART B: FEES

Section	
1050.210	License Investigation Fees
1050.220	License Fees
1050.230	Amended License Fees - Corporate Changes
1050.240	Duplicate Original License Fees
1050.250	Examination Fees
1050.255	Direct Expenses of Out-of-State Examinations
1050.260	Additional Full-Service Office Fees
1050.270	Hearing Fees
1050.280	Late Fees (Repealed)
1050.290	Manner of Payment

SUBPART C: LICENSING

Section	
1050.310	Application for an Illinois Residential Mortgage License
1050.320	Application for Renewal of an Illinois Residential Mortgage License
1050.330	Renewal of License Fee
1050.340	Full-Service Office
1050.350	Additional Full-Service Office

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SUBPART D: OPERATIONS AND SUPERVISION

Section	Net Worth
1050.410	Line of Credit (Repealed)
1050.420	Examination
1050.430	Rate Audit Reports
1050.440	Escrow
1050.450	Audit Workpapers
1050.460	Selection of Independent Auditor
1050.470	Proceeding to Affirm a License
1050.475	Change in Business Activities
1050.480	Change of Ownership, Control or Name or Address of Licensee
1050.490	Bonding Requirements

SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE BROKERAGE ACTIVITY AND MORTGAGE SERVICING ACTIVITY

Section	Filing Requirements
1050.610	Reporting Forms
1050.620	Annual Report of Mortgage Activity
1050.630	Annual Report of Brokerage Activity
1050.640	Annual Report of Servicing Activity
1050.650	Verification
1050.660	

SUBPART F: FORECLOSURE RATE

Section	Computation of National Residential Mortgage Foreclosure Rate
1050.710	Computation of Illinois Residential Mortgage Foreclosure Rate
1050.720	Excess Foreclosure Rate
1050.730	Foreclosure Rate Hearing
1050.740	Commissioner's Authority - Unusually High Rate
1050.750	

SUBPART G: SERVICING

Section	New Loans
1050.810	Transfer of Servicing
1050.820	Real Property Tax and Hazard Insurance Payments
1050.830	Payment Processing
1050.840	Toll-Free Telephone Arrangement
1050.850	Payoff of Outstanding Mortgage Loan
1050.860	

SUBPART H: ADVERTISING

Section

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1050.910	General Prohibition
1050.920	Definition of Advertisement
1050.930	Compliance with Other Laws
1050.940	Requirements
1050.950	Misleading and Deceptive Advertising Prohibition

SUBPART I: LOAN BROKERAGE PRACTICES

Section	
1050.1010	Loan Brokerage Agreement
1050.1020	Loan Brokerage Disclosure Statement
1050.1030	Prohibited Practice

SUBPART J: LOAN APPLICATION PRACTICES

Section	
1050.1110	Borrower Information Document
1050.1120	Description of Required Documentation
1050.1130	Maintenance of Records (Repealed)
1050.1140	Loan Application Procedures
1050.1150	Copies of Signed Documents
1050.1160	Confirmation of Statements
1050.1170	Cancellation of Application
1050.1175	Maintenance of Records

SUBPART K: GENERAL LENDING PRACTICES

Section	
1050.1210	Notice to Joint Borrowers
1050.1220	Inaccuracy of Disclosed Information
1050.1230	Changes Affecting Loans in Process
1050.1240	Prohibition of Unauthorized Lenders
1050.1250	Good Faith Requirements

SUBPART L: COMMITMENT AND CLOSING PRACTICES

Section	
1050.1305	Approval Notice
1050.1310	Inconsistent Conditions Prohibited
1050.1315	Avoidance of Commitment
1050.1320	Charges to Seller
1050.1325	Intentional Delay
1050.1330	No Duplication to Borrower of Seller's Costs
1050.1335	Fees and Charges
1050.1340	Refunds on Failure to Close
1050.1345	Representative at Closing
1050.1350	Compliance with Other Laws
1050.1355	Failure to Close - Disclosure

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1050.1360 Escrow Account Agreements at Closing

SUBPART M: EXEMPTION GUIDELINES

Section

1050.1410 General

1050.1420 Interpretative Guidelines

SUBPART N: ADMINISTRATIVE HEARING PROCEDURES

Section

1050.1510 Applicability

1050.1520 Definitions

1050.1530 Filing

1050.1540 Form of Documents

1050.1550 Computation of Time

1050.1560 Appearances

1050.1570 Request for Hearing

1050.1580 Notice of Hearing

1050.1590 Service of the Notice of Hearing

1050.1595 Bill of Particulars or Motion for More Definite Statement

1050.1600 Motion and Answer

1050.1610 Consolidation and Severance of Matters - Additional Parties

1050.1620 Intervention

1050.1630 Postponement or Continuance of Hearing

1050.1640 Authority of Hearing Officer

1050.1650 Bias or Disqualification of Hearing Officer

1050.1660 Prehearing Conferences

1050.1670 Discovery

1050.1680 Subpoena

1050.1690 Conduct of Hearing

1050.1700 Default

1050.1710 Evidence

1050.1720 Hostile Witnesses

1050.1730 Record of Proceedings

1050.1740 Briefs

1050.1750 Hearing Officer's Recommendation

1050.1760 Order of the Commissioner

1050.1770 Rehearings and Reopening of Hearings

1050.1790 Costs of Hearing

AUTHORITY: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635].

SOURCE: Filled January 18, 1974; amended at 2 Ill. Reg. 2, p. 1, effective January 16, 1978; codified at 8 Ill. Reg. 4524; amended at 9 Ill. Reg. 17393, effective October 24, 1985; Part repealed by emergency rule at 12 Ill. Reg.

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3041, and new Part adopted by emergency rule at 12 Ill. Reg. 3079, effective January 13, 1988, for a maximum of 150 days; Part repealed at 12 Ill. Reg. 8683, and new Part adopted at 12 Ill. Reg. 8685, effective May 10, 1988; emergency amendment at 12 Ill. Reg. 9721, effective May 18, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 17056, effective October 20, 1989; amended at 15 Ill. Reg. 8580, effective May 28, 1991; emergency amendment at 16 Ill. Reg. 2915, effective February 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10463, effective June 23, 1992; emergency amendment at 16 Ill. Reg. 20179, effective December 9, 1992; amended at 17 Ill. Reg. 3513, effective March 2, 1993; transferred from Chapter III, 38 Ill. Adm. Code 450 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1050 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 205] at 17 Ill. Reg. 4475; emergency amendment at 19 Ill. Reg. 11080, effective July 13, 1995, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 388, effective January 1, 1996; reclassified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 10972, effective August 1, 1997; amended at 22 Ill. Reg. 930, effective DEC 1 1997.

SUBPART A: DEFINITIONS

Section 1050.180 Repurchase a Loan

- a) "Repurchase a loan" as used in Section 2-(4) of the Act shall mean those instances where:
- 1) the licensee has demanded that another licensee repurchase a loan and the licensee has scheduled loan payment has not been received by the licensee making the demand; or
 - 2) the licensee has demanded that another licensee repurchase a loan as a result of the determination, after reasonable investigation, by the licensee making the demand, that materially false representations, documentation or information may have been provided to any person in connection with the origination or transfer of the loan.
- b) "Repurchase a loan" as used in Section 2-(4)(x) of the Act shall mean those instances where:
- 1) the licensee has received a demand that such licensee repurchase a loan and the first scheduled loan payment has not been received by the person making the demand; or
 - 2) the licensee has received a demand that such licensee repurchase a loan as a result of the determination, after reasonable investigation, by the person making the demand, that materially false representations, documentation or information may have been provided to any person in connection with the origination or transfer of the loan.

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(Source: Added at 22 Ill. Reg. 237, effective 1/1/1997)

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- 1) Heading of the Part: Hazardous Waste Injection Restrictions
- 2) Code citation: 35 Ill. Adm. Code 738
- 3) Section numbers: Adopted action:
 738.101 Amended
 738.103 Amended
 738.104 Amended
 738.117 Amended
 738.118 Added
 738.120 Amended
- 4) Statutory authority: 415 ILCS 5/22.4 and 27.
- 5) Effective date of amendments: December 16, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No. 35 Ill. Adm. Code 720.111 is the central listing of all documents incorporated by reference for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739. The existing text of Part 738 includes references to documents incorporated by reference in 35 Ill. Adm. Code 720.111. The present amendments to Part 738 do not amend those references.
- 8) Date filed in Board's principal office: Order adopted November 6, 1997.
- 9) Notice of proposal published in Illinois Register: August 8, 1997, 21 Ill. Reg. 10218
- 10) Has JCAR issued a Statement of Objections to these rules? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR. Nevertheless, JCAR did review the text in the course of preparing a Notice of Proposed Amendments for publication in the Illinois Register. JCAR made a number of minor revisions to the text of the proposed amendments, as approved by the Board by its opinion and order of July 24, 1997, before they appeared in the August 8, 1997 Notice of Proposed Amendments in the Illinois Register. The Board has reviewed the JCAR revisions to the text, and accepted nearly all of them. The revisions are outlined in the response to question (11) below.
- 11) Differences between proposal and final version: The Board has made a number of minor revisions to the text of the amendments as proposed. Most are in response to comments from JCAR. A small number are based on

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comments from the Illinois Environmental Protection Agency (Agency). Many others are based on the Board's review of the text in response to the JCAR and Agency suggestions. As explained in the response to question (10) above, JCAR altered the text of the proposed amendments between when the Board approved them for public comment on July 24, 1997, and when they appeared in a Notice of Proposed Amendments in the August 8, 1997 issue of the *Illinois Register*. The table below indicates the revisions undertaken, the source(s) of each, and their location in the text. The table indicates the revisions to the text as approved by the Board on July 24, 1997, not necessarily reflecting its appearance in the August 8, 1997 *Illinois Register* as altered by JCAR. A second table indicates the single JCAR revision that the Board has not accepted. That revision appeared in the August 8, 1997, issue of the *Register*.

Revisions to the Text Since the Proposal for Public Comment

Section	Source	Revision(s)
738. Table of Contents	JCAR, Board	Hyphenated and capitalized "Waste-Specific Prohibitions" in titles of open Sections (738.117 and 738.118); removed second hyphen from Section 738.118 title
738. Authority Note	JCAR	Changed to plural "Sections"
738. Source Note	JCAR	Removed underlining of added text
738.101(d)(1)	JCAR	Changed "nonhazardous" to "non-hazardous"
738.117	JCAR	Hyphenated "Waste-Specific" in Section
738.117(c)	JCAR	Changed from abbreviation to word "April"
738.117(e)	Board	Changed "above" to "of this Section" in base text
738.117(e)(2)	JCAR	Changed "738. Subpart C" to "Subpart C of this Part"
738.118	JCAR	Capitalized and hyphenated "Waste-Specific Prohibitions" and replaced double hyphen with a single one in Section heading
738.118(b)	JCAR	Changed to lower-case "hazardous"
738.118(c)	JCAR	Changed to lower-case "hazardous"
738.118(d)	JCAR	Changed to lower-case "hazardous"

The table of suggested amendments that the Board declined to make is organized a bit differently from the above tables. The table also indicates the suggestion and its source in the middle column, and the Board's response appears in the right column.

Suggestion Not Accepted

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Section	Source	Board Response
738.103(b)	JCAR: change "Section 738.120" to "Section 120 of this Part"	The suggested revised format would violate 111. Adm. Code 100.110, 100.370(c), and the Secretary of State's style manual

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR. As explained in the response to questions (10) and (11) above, JCAR altered the text of the proposed amendments when the Board approved them for public comment on August 7, 1997 and when they appeared in a Notice of Proposed Amendments in the August 29, 1997 issue of the *Illinois Register*. The Board has reviewed the JCAR revisions to the text, and accepted nearly all of them. The revisions are outlined in the response to question (11) above.

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of November 6, 1997, in consolidated docket R96-10/R97-3/R97-5, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

The R96-10 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1, 1995, through December 31, 1995. The R97-3 proceeding updates the Board's UIC rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1996 through June 30, 1996. R97-5 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1996 through June 30, 1996. During these time-frames, USEPA undertook a number of amendments. Certain later actions, outside the normal docket time-frames, are included for various reasons.

Docket R96-10: July 1, 1995, through December 31, 1995, RCRA Subtitle C

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Amendments:

July 7, 1995
(61 Fed. Reg. 35452)

July 11, 1995
(61 Fed. Reg. 35701)

August 14, 1995
(61 Fed. Reg. 41017)

September 29, 1995
(61 Fed. Reg. 50426)

October 23, 1995
(61 Fed. Reg. 54111)

October 30, 1995
(61 Fed. Reg. 55202)

Corrections to Subpart CC rules. USEPA corrected the docket number in the Federal Register preamble discussion of December 6, 1994.

Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.

Notice of revised interpretation of carbamate rule. USEPA revised its interpretation of its carbamate rules to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.

Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the exit of the inorganic waste delisting (nonhazardously delisted) when USEPA intended to amend the delisting only to delete the waste from a single source (in the second) on February 8, 1994.

Stay of used oil mixture rule. USEPA stayed the revision of the used oil rule that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characterized hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.

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November 13, 1995
(61 Fed. Reg. 56952)

December 11, 1995
(61 Fed. Reg. 63417)

Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

The Board did not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period of July 1, 1995, through December 31, 1995. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995, in the prior RCRA Subtitle C update docket, 895-20, adopted June 20, 1996. No further action is required of the Board on those matters. Further, the Board will need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995. The Board is taking action on the federal actions of July 11 and December 11, 1995 in this consolidated docket.

In addition to the direct revisions to the RCRA Subtitle C regulations during the time period of docket 895-20, USEPA amended the federal water pollution control regulations three times during the period July 1, 1995 through December 31, 1995 in a way that could affect the Illinois RCRA Subtitle C rules. These federal actions revised analytical methods of 40 CFR 136, as follows:

Summary
USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.

USEPA added three methods for determination of total 8 (p) dahl nitrogen (TRN) in wastewater.

USEPA added whole effluent toxicity testing to the approved methods.

The methods codified in 40 CFR 136 are incorporated by reference at

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Section 720.111 of the Illinois RCRA Subtitle C rules for the purposes of the hazardous waste and underground injection control regulations. The Board updated the incorporations by updating to the 1996 edition of the Code of Federal Regulations.

Docket R97-5: January 1, 1996, through June 30, 1996, RCRA Subtitle C Amendments

Federal Action
February 9, 1996
(61 Fed. Reg. 4903)

Summary
Subpart CC organic material emissions clarifying technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994, Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
(61 Fed. Reg. 10684)

Relating to Federal authorization of Illinois program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Clusters VI," "HSWA Cluster I," and "RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990, and November 22, 1993.

March 26, 1996
(61 Fed. Reg. 13103)

Correction to exclusion for recovered oil re-refined into refining processes. USEPA corrected an error in its July 28, 1994, exclusion of recovered oil from the definition of solid waste.

April 8, 1996
(61 Fed. Reg. 15596)

Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

April 8, 1996
(61 Fed. Reg. 15662)

Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that were derived from the delisted Chemical Waste Management, Inc., EPA, 976 F.2d 2 (D.C. Cir. 1992), cert.

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denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994, Phase II LDRs that were also overruled by Pub. L. 104-119.

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate

April 12, 1996
(61 Fed. Reg. 16309)

identification of the federal rules to incorporate amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Convention on the Transboundary Movement of Hazardous Wastes (1992) and Phase III LDR corrections (see separate actions). In each action, USEPA corrected the effective dates set forth in the federal Register notice for its Phase III LDR rules.

June 5, 1996
(61 Fed. Reg. 28508)

Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994, Subpart CC organic material emissions requirements until October 6, 1996.

June 28, 1996
(61 Fed. Reg. 33680)

Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996, Phase III LDRs and partial withdrawal.

June 28, 1996
(61 Fed. Reg. 33691)

Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992, used oil mixtures rule in response to a January 19, 1996 vacatur in *Safety-Kleen Corp. v. EPA*, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995 administrative stay of the rule.

As with the previous docket time-frame, the Board will not need to act on certain of the January 1, 1996, through June 30, 1996, federal RCRA Subtitle C amendments. The Board dealt with the federal amendments of June 5, 1996, in docket R95-20, on June 20, 1996. Further, the March 15, 1996, action related to federal authorization of the Illinois RCRA Subtitle C program, which the Board notes in this opinion, but which requires no further action. Finally, as discussed below, the June 28, 1996, federal action requires no action because it reversed the federal amendments of October 30, 1995, described above.

Later Federal Actions

A small number of federal amendments to the RCRA Subtitle C regulations

POLLUTION CONTROL BOARD

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directly affect the subject matter involved in this docket by virtue of the amendments included in R96-10 and R97-5. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1, 1996, through December 31, 1996. These include the following federal actions:

Federal Action

July 10, 1996
(61 Fed. Reg. 36419)
Corrections to the Phase III LDRs. USEPA made an emergency correction to one of its April 8, 1996, action revisions of the Phase III LDRs.
August 26, 1996
(61 Fed. Reg. 43923)
USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs.
November 25, 1996
(61 Fed. Reg. 59931)
USEPA adopted final amendments to its December 6, 1994, organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5, for the period January 1, 1997 through June 30, 1997, are the following:

Federal Action

January 14, 1997
(62 Fed. Reg. 1991)
Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.
February 19, 1997
(62 Fed. Reg. 7501)
Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996, actions amending these tables.
May 12, 1997
(62 Fed. Reg. 25997)
Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (On July 16, 1997, the Board received a motion from the Peoria Disposal Company to expedite on narrow aspect of these amendments that

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significantly reduced the paperwork burden of the requirements for waste certifications.)
June 17, 1997
(62 Fed. Reg. 32973)
Amendment of carbamate waste listings in response to judicial remedy. USEPA deleted a number of carbamate waste listings in response to the Federal Register listings in Force V. EPA, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period July 1, 1997 through December 31, 1997, for which there is no docket presently reserved. That action is the following:

Federal Action

July 14, 1997
(62 Fed. Reg. 37693)
Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Docket R97-3: January 1, 1996, through June 30, 1996, UIC Amendments

Federal Action

April 8, 1996
(61 Fed. Reg. 15596)
Phase III land disposal restrictions (LDRs).
April 30, 1996
(61 Fed. Reg. 19117)
Phase III LDR corrections.
June 28, 1996
(61 Fed. Reg. 33680)
Phase III LDR corrections.

Specifically, the amendments to Part 738 implement major aspects of the federal Phase III land disposal restriction (LDR) and carbamate waste rules as they apply to the underground injection of hazardous waste. The Board further used this opportunity to make a number of non-substantive corrective and editorial amendments to the existing text of Part 738.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of November 6, 1997 from Victoria Aoyman, at the above address, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER 15: POLLUTION CONTROL BOARD

SUBCHAPTER 1: HAZARDOUS WASTE INJECTION CONTROL AND

UNDERGROUND STORAGE TANK PROGRAMS

PART 738

HAZARDOUS WASTE INJECTION RESTRICTIONS

SUBPART A: GENERAL

Purpose, Scope and Applicability
 Definitions
 Dilution Prohibited as a Substitute for Treatment
 Case-by-Case Extensions of an Effective Date
 Waste Analysis

SUBPART B: PROHIBITIONS ON INJECTION

Waste Specific Prohibitions - Solvent Wastes
 Waste Specific Prohibitions - Dioxin - Containing Wastes
 Waste Specific Prohibitions - California List Wastes
 Waste Specific Prohibitions - First Third Wastes
 Waste Specific Prohibitions - Second Third Wastes
 Waste Specific Prohibitions - Third Third Wastes
 Waste-Specific Prohibitions - Newly-Listed Wastes
 Waste-Specific Prohibitions - Newly Identified Wastes

SUBPART C: PETITION STANDARDS AND PROCEDURES

Petitions to Allow Injection of a Prohibited Waste
 Required Information to Support Petitions
 Submission, Review and Approval or Denial of Petitions
 Review of Adjusted Standards
 Termination of Adjusted Standards

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/13, 22.4 and 27).

SOURCE: Adopted in 89-2 at 14 Ill. Reg. 3059, effective February 20, 1990; amended in 89-11 at 14 Ill. Reg. 11948, effective July 9, 1990; amended in 89-14 at 15 Ill. Reg. 11425, effective July 24, 1991; amended in 89-13 at 17 Ill. Reg. 6190, effective April 5, 1993; amended in 89-6 at 17 Ill. Reg. 15641, effective September 14, 1993; amended in 89-5 at 19 Ill. Reg. 9501, effective June 27, 1995; amended in 89-10/89-3/R97-5 at 22 Ill. Reg.

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06/01/97

238 - 3, effective

SUBPART A: GENERAL

Section 738.101 Purpose Scope and Applicability

a) This Part identifies hazardous wastes that are restricted from disposal into Class I hazardous waste-injection wells and defines those circumstances under which a waste, otherwise prohibited from injection, may be injected.

b) The requirements of this Part apply to owners or operators of the following Class I wells:

- 1) Hazardous hazardous waste injection wells that are used to inject hazardous waste, and
- 2) Injection wells that are used to inject wastes which once exhibited a prohibited characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C, at the point of generation, and which no longer exhibit the characteristic at the point of injection.

c) Wastes otherwise prohibited from injection may continue to be injected:

- 1) if an extension from the effective date of a prohibition has been granted pursuant to Section 738.104, or
- 2) if added to the list of wastes excluded from the prohibition in response to a petition filed under Section 738.120, or
- 3) if the waste is generated by a conditionally exempt small quantity generator, as defined in 35 Ill. Adm. Code 721.105, and the waste is not hazardous only because it exhibits characteristics of hazardous waste and which is otherwise prohibited from injection under this Part or 35 Ill. Adm. Code 728.7 are is not prohibited from injection if the following is true of the waste wastes:

- 1) It is disposed into a Class-I non-hazardous waste-injection well or a Class-I hazardous waste injection well that receives only non-prohibited-hazardous wastes, as such are defined under 35 Ill. Adm. Code 730.106(a); and
- 2) It does not exhibit any prohibited characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C at the point of injection.

BOARD--NGSIS--the exemption for injection of diluted hazardous waste in this subsection (d) was the subject of litigation in Chemical Waste Management et al v US EPA, 976 Fed.2d 2 (6th Cir.1992); the US EPA response to the mandate in this litigation may result in the repeal or modification of 40 CFR 148.1(d); from which this subsection is derived--US EPA responded to the remand by issuing an interim final rule on May 24/1993 at 58 Fed. Reg. 28669--but that action did not directly affect 40 CFR 148.1(d) Board views any federal court decision on the effectiveness or

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enforceability of the USEPA rule as binding on this subsection.
 BOARD NOTE: Derived from 40 CFR 148.1 (1996) (19927), as amended at 57 Fed. Reg. 31963 (July 28, 1992).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 738.103 Dilution Prohibited as a Substitute for Treatment

The prohibition of 35 Ill. Adm. Code 728.103 shall apply to owners or operators of Class I hazardous waste injection wells.

a) The provisions of 35 Ill. Adm. Code 728.103 shall apply to owners of Class I wells used to inject a waste that is hazardous at the point of generation whether or not the waste is hazardous at the point of injection.

b) Owners or operators of Class I non-hazardous waste injection wells that inject waste formerly exhibiting a hazardous characteristic which has been removed by dilution may address underlying hazardous constituents by treating the hazardous waste, obtaining an exemption pursuant to a petition filed under Section 738.120 of this Part, or complying with the provisions set forth in 35 Ill. Adm. Code 728.109.

BOARD NOTE: Derived from 40 CFR 148.3 (1996) (19887), as added at 53 Fed. Reg. 28155, July 26, 1988.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 738.104 Case-by-Case Extensions of an Effective Date

The owner or operator of a Class I hazardous or non-hazardous waste injection well may submit an application to USEPA BPA for an extension of the effective date of any applicable prohibition established under Subpart B. (See 35 Ill. Adm. Code 728.105.)

BOARD NOTE: Derived from 40 CFR 148.4 (1996) (19887), as added at 53 Fed. Reg. 28155, July 26, 1988.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART B: PROHIBITIONS ON INJECTION

Section 738.117 Waste-Specific Prohibitions - Newly-Listed Wastes

a) The wastes specified in 35 Ill. Adm. Code 721.Subpart D by the following USEPA H-S-BPA hazardous waste numbers are prohibited from underground injection:

P037
 P038

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K107
 K108
 K109
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 K111
 K112
 K117
 K118
 K123
 K124
 K125
 K126
 K131
 K136
 U328
 U353

b) The wastes specified in 35 Ill. Adm. Code 721.Subpart D by the following USEPA H-S-BPA hazardous waste numbers are prohibited from underground injection:

K141
 K142
 K143
 K144
 K145
 K147
 K148
 K149
 K150
 K151

c) **Effective September 19, 1995, the wastes specified in 35 Ill. Adm. Code 721.Subpart D by the following USEPA H-S-BPA hazardous waste numbers are prohibited from underground injection:**
 B001 (high-995-subcategory)-as-specified-at-35 Ill. Adm. Code 728.140)

P043
 P044
 P045
 P046
 P047

d) This subsection corresponds with 40 CFR 148.17(c), removed and marked "reserved" by USEPA at 61 Fed. Reg. 15662 (April 8, 1996). This statement maintains structural consistency with USEPA rules.

Effective June 30, 1995, the wastes specified in 35 Ill. Adm. Code 721.Subpart D by the following USEPA H-S-BPA hazardous waste numbers are prohibited from underground injection:

K117

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K118
K131
K132

- e) The requirements of subsections (a) and (b) of this Section above do not apply:
- 1) If the wastes meet or are treated to meet the applicable standards specified in 35 Ill. Adm. Code 728 Subpart D; or
 - 2) If an adjusted standard has been reported in response to a petition under Subpart C of this part; or
 - 3) During the period of extension of the applicable effective date, if an extension is granted under Section 738.104.
- BOARD NOTE: Derived from 40 CFR 148.177 as added at 57-Ped-Reg-37263 (Aug-10-1992) (1996).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 738.118 Waste-Specific Prohibitions - Newly Identified Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721.132 as having the following USEPA hazardous waste numbers are prohibited from underground injection:

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- b) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K088 is prohibited from underground injection.
c) On April 8, 1998, the wastes specified in 35 Ill. Adm. Code 721.132 as having the following USEPA hazardous waste numbers and Mixed TC/Radioactive wastes are prohibited from underground injection:

D018
D019
D020
D021
D022

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d) On April 8, 1998, the wastes specified in 35 Ill. Adm. Code 721 as having the following USEPA hazardous waste numbers are prohibited from underground injection:

D001
D002
D003

(Source: Added at 22 Ill. Reg. 200.1, effective 1/1/98)

SUBPART C: PETITION STANDARDS AND PROCEDURES

Section 738.120 Petitions to Allow Injection of a Prohibited Waste

- a) Any person seeking an exemption from a prohibition under Subpart B for the injection of a restricted hazardous waste into an injection well or wells, including a hazardous waste that exhibits a characteristic of hazardous waste and which contains underlying hazardous constituents at the point of generation, but which no longer exhibits a characteristic of hazardous waste when injected into a Class I injection well or wells, shall submit a petition for an adjusted standard to the Board, pursuant to 35 Ill. Adm. Code 106-Subpart G, demonstrating that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This demonstration requires a showing that:

- 1) The hydrogeological and geochemical conditions at the site(s) and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the physicochemical nature of the waste stream(s) are such that reliable predictions can be made that:

- A) Fluid movement conditions are such that the injected fluids will not migrate within 10,000 years:
i) Vertically upward out of the injection zone; or
ii) Laterally within the injection zone to a point of discharge or interface with an Underground Source of Drinking Water (USDW) as defined in 35 Ill. Adm. Code 730; or
B) Before the injected fluids migrate out of the injection zone or to a point of discharge or interface with USDW, the fluid will no longer be hazardous because of attenuation, transformation, or immobilization of hazardous constituents within the injection zone by hydrolysis, chemical interactions or other means; and
2) For each well the petition has:
A) Demonstrated that the injection well's area of review complies with the substantive requirements of 35 Ill. Adm. Code 730.163;
B) Located, identified, and ascertained the condition of all wells within the injection well's area of review (as specified in 35 Ill. Adm. Code 730.163) that penetrate the injection zone or the confining zone by use of a protocol acceptable to the Board that meets the substantive requirements of 35 Ill. Adm. Code 730.164;
C) Submitted a corrective action plan that meets the substantive requirements of 35 Ill. Adm. Code 730.164, the implementation of which shall become a condition of any adjusted standard granted; and
D) Submitted the results of pressure and radioactive tracer tests performed within one year prior to submission of the petition demonstrating the mechanical integrity of the well's long string casing, injection tube, annular seal, and bottom hole cement. In cases where the petition has not been approved or denied within one year after the initial demonstration of mechanical integrity, the Board may require the owner or operator to perform the tests again and submit the results of the new tests.

BOARD NOTE: The requirements of subsection (a)(2) need not be incorporated in a permit at the time the Board grants an adjusted standard.

- b) A demonstration under subsection (a)(1)(A) must identify the strata within the injection zone which will confirm fluid movement above the injection interval and include a showing that this strata is free of known transmissive faults or fractures and that there is a confining zone above the injection zone.
c) A demonstration under subsection (a)(1)(B) must identify the strata within the injection zone where waste transformation will be

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

accomplished and include a showing that this strata is free of known transmissive faults or fractures and that there is a confining zone above the injection zone.

- d) A demonstration may include a showing that:
 - 1) Treatment methods that reduce the toxicity or mobility of the wastes, the implementation of which will become a condition of any adjusted plan, the implementation of which will become a condition of any adjusted standard, must be utilized to enhance confidence in one or more aspects of the demonstration.
 - e) Any person that who has been granted an adjusted standard pursuant to this Section may submit a petition to modify that adjusted standard to include an additional restricted waste or wastes or to modify any conditions placed on that adjusted standard by the Board. The Board will reissue the adjusted standard if the petitioner complies with subsections (a), (b) and (c).
 - f) Any person that who has been granted an adjusted standard pursuant to this Section may submit a petition to modify that adjusted standard to include an additional (hazardous) waste or wastes. The Board may grant the modification if it determines, to a reasonable degree of certainty, that the additional waste or wastes will behave hydraulically and chemically in a manner similar to previously included wastes and that it will not interfere with the containment capability of the injection zone.

BOARD NOTE: Derived from 40 CFR 148.20 (1995) 1988)7-as-added-at-53 Fed-Reg-28157-July-26-1988.

(Source: Amended at 22 Ill. Reg. 9-2-88, effective January 1, 1988)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Hazardous Waste Management System: General

2) Code citation: 35 Ill. Adm. Code 720

3) Section numbers: Adopted action:
720.101 Amended
720.102 Amended
720.111 Amended

4) Statutory authority: 415 ILCS 5/22.4 and 27.

5) Effective date of amendments: December 16, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Yes. Section 720.111 is the central listing of all documents incorporated by reference for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739. The present amendments add references to an OECD procedure for testing sorbent materials at 35 Ill. Adm. Code 724 and 725 and to certain OECD lists categorizing hazardous wastes for shipment for the purposes of 35 Ill. Adm. Code 722. Section 720.111 is amended to reflect those added references. Further, the Board has used this opportunity to update the version of the Code of Federal Regulations referenced to the recently-available 1997 edition. We further place the entry for "ACI" in its correct alphabetical order.

8) Date filed in Board's principal office: Order adopted November 6, 1997.

9) Notice of proposal published in Illinois Register: August 8, 1997; 21 Ill. Reg. 10235

10) Has JCAR issued a Statement of Objections to these rules? No

Section 22.4(a) of the Environmental Protection Act (415 ILCS 5/22.4(a)) provides that Section 5 of the Illinois Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR. Nevertheless, JCAR did review the text in the course of preparing a Notice of Proposed Amendments for publication in the *Illinois Register*. JCAR made a number of minor revisions to the text of the proposed amendments, as approved by the Board by its opinion and order of July 24, 1997, before they appeared in the August 8, 1997 Notice of Proposed Amendments in the *Illinois Register*. The Board has reviewed the JCAR revisions to the text and accepted nearly all of them. The revisions are outlined in the response to question (11) below.

11) Differences between proposal and final version: The Board has made a

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NOTICE OF ADOPTED AMENDMENTS

number of minor corrections to the text of the amendments are proposed. Most are in the response to comment from JMR. A small number are based on comments from the Illinois Bond Council and Private Agency Oversight. Many others are based on the Board's review of the text in response to the JMR and Agency comment. An explanation to the response to comment (10) above, JMR, altered the text of the proposed amendment between when the Board approved them for public comment on July 24, 1997 and when they appeared in a Notice of Proposed Amendment in the August 6, 1997 issue of the *Illinois Register*. The table below indicates the revision(s) made above, the correction of each, and their location in the text. The table indicates the revision to the text are approved by the Board on July 24, 1997, and necessarily reflecting their appearance in the August 6, 1997 *Illinois Register* as altered by JMR. A second table indicates the single JMR revision that the Board has not accepted. That revision appeared in the August 6, 1997 issue of the *Illinois Register*.

Revisions to the Text Since the Proposal for Public Comment

Section	Source	Revision(s)
720 Table of Contents	Board	Added comma to Section 720.101 heading
720 Source Note	JMR	Removed comma to Section heading
720.101	Board	Added comma to Section heading, corrected subject heading to agree with table of contents; added reference to Section 711 and 719 (Three times)
720.102(a)	Board	Updated statutory reference to 115-5-010
720.111(a) "ACT"	Board	Corrected position in text to proper alphabetical order
720.111(a) "ANSI"	JMR	Added ending period
720.111(a) "BPM"	JMR	Added ending period
720.111(a) "ANSI"	JMR	Added ending period
720.111(a) "ANSI"	JMR	Corrected spelling of word "direction"
720.111(a) "ANSI"	JMR	Updated incorporation to "pencil line" for the instructions. Added a sentence "Manual, Second Edition" to "Manual;"
720.111(a) "ANSI"	JMR	Corrected spelling to "Manual;"
720.111(a) "ANSI"	JMR	Corrected improper capitalization of "Manual" (Three times)

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NOTICE OF ADOPTED AMENDMENTS

The table of suggested amendments that the Board declined to make is organized a bit differently from the above table. The table also indicates the suggested and its source in the middle column, and the Board's response appears in the right column.

Suggested Not Accepted

See 1100	Source: Supplement	Board Response
720.111(a) "BPM"	JMR, correct spelling to "BPM"	The original text identified BPM by the "BPM" spelling
123	have all the changes captured upon by the Board and 22.4(a) of the indicated to the amendment letter issued by JMR? Section 22.4(a) of the Administrative Procedure Act provides that Section 5 of the Illinois Administrative Code shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or second notice review by JMR. An explanation to the response to comment (10) and (11) above, JMR altered the text of the proposed amendment between when the Board approved them for public comment on August 7, 1997 and when they appeared in a Notice of Proposed Amendment in the August 29, 1997 issue of the <i>Illinois Register</i> . The Board has reviewed the JMR revisions to the text, and accepted nearly all of them. The revisions are outlined in the response to comment (11) above.	
113	Will these amendments replace emergency amendment currently in effect?	No
143	Are there any other amendments pending on this part? Yes	Section Number Proposed Action 720.110 Amend November 21, 1997, 2111 Reg. 1475

The Board proposed regulation on November 6, 1997, under docket number 10912, that would designate certain mercury containing lamps as universal waste. The effect of this action would be to designate those wastes under 401 CFR code 111, rather than under the generally applicable body of hazardous waste regulations at 401 CFR code 261 through 268 and 270. The 10912 amendment will affect the substance of the amendment involved in this consolidated update docket, 1091097/10975.

Summary and purpose of amendments: A more detailed description is contained to the Board's opinion and order of November 6, 1997, in consolidated docket 1091097/10975, which opinion and order is available from the address below. Section 22.4 of the Administrative

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NOTICE OF ADOPTED AMENDMENTS

Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

The R96-10 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1, 1995 through December 31, 1995. The R97-3 proceeding updates the Board's UIC rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1996 through June 30, 1996. The R97-5 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1996 through June 30, 1996. During these time-frames, USEPA undertook a number of amendments. Certain later actions, outside the normal docket time-frames, are included for various reasons.

Docket R96-10: July 1, 1995 through December 31, 1995 RCRA Subtitle C Amendments:

July 7, 1995
(61 Fed. Reg. 35452)
Corrections to Subpart CC rules. USEPA corrected the docket number in the Federal Register preamble discussion of December 6, 1994.

July 11, 1995
(61 Fed. Reg. 35703)
Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.

August 14, 1995
(61 Fed. Reg. 41817)
Notice of revised interpretation of carbamate rule. USEPA revised its interpretation of its carbamate rules to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.

September 29, 1995
(61 Fed. Reg. 50426)
Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

October 23, 1995

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(61 Fed. Reg. 54311)
Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the text of the Enviro Corp. delisting inadvertently deleted when USEPA intended to amend the delisting only to delete the waste from a single source (in Connecticut) on February 8, 1994.

October 30, 1995
(61 Fed. Reg. 55202)
Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic wastes that were listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally-applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.

November 13, 1995
(61 Fed. Reg. 56952)
Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to impoundments from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

December 11, 1995
(61 Fed. Reg. 63417)
Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

The Board did not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period of July 1, 1995 through December 31, 1995. The Board did not take action on the federal actions of July 7, September 29, and November 13, 1995. In the prior Federal Register C dockets, dockets R95-20, adopted June 20, 1996. No further action is required of the Board on those matters. Further, the Board will need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995. The Board is taking action on the federal actions of July 11 and December 11, 1995 in this consolidated docket.

POLLUTION CONTROL BOARD

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In addition to the direct revisions to the RCRA Subtitle C regulations during the time period of docket R96-10, USEPA amended the Federal waste pollution control regulations three times during the period July 1, 1995 through December 31, 1995 in a way that could affect the Illinois RCRA Subtitle C rules. These federal actions revised analytical methods of 40 CFR 136, as follows:

Federal Action

August 2, 1995
(61 Fed. Reg. 39586)
Summary
USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs
August 28, 1995
(61 Fed. Reg. 44670)
USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater.
October 16, 1995
(61 Fed. Reg. 53529)
USEPA added whole effluent toxicity testing to the approved methods.

The methods codified in 40 CFR 136 are incorporated by reference at Section 720.111 of the Illinois RCRA Subtitle C rules for the purposes of the hazardous waste and underground injection control regulations. The Board updated the incorporations by updating to the 1996 edition of the Code of Federal Regulations.

Docket R97-5: January 1, 1996 through June 30, 1996 RCRA Subtitle C Amendments

Federal Action

February 9, 1996
(61 Fed. Reg. 4903)
Summary
Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994 Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
(61 Fed. Reg. 10684)

Relating to federal authorization of Illinois program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.

March 26, 1996
(61 Fed. Reg. 13103)

Correction to exclusion for recovered oil reentered into refining process. USEPA corrected an error in its July 28, 1994 exclusion of recovered oil from the definition of solid waste.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

April 8, 1996
(61 Fed. Reg. 15596)

Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

April 8, 1996
(61 Fed. Reg. 15662)

Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in *Chemical Waste Management, Inc. v. EPA*, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994 Phase III LDRs that were also overruled by Pub. L. 104-119.

April 12, 1996
(61 Fed. Reg. 16309)

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

April 30, 1996
(61 Fed. Reg. 19177)

Phase III LDR corrections (two separate actions). In each action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules.

June 5, 1996
(61 Fed. Reg. 28508)

Subpart CC organic material emission standards amendment to affect partial stay. USEPA further postponed implementation of the December 6, 1994 Subpart CC organic material emissions requirements until October 6, 1996.

June 28, 1996
(61 Fed. Reg. 31680)

Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996 Phase III LDRs and partial withdrawal.

June 28, 1996
(61 Fed. Reg. 31691)

Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992 used oil mixtures rule in response to a January 19, 1996 vacatur in *Safety-Kleen Corp. v. EPA*, No. 92-1629, slip op. (D.C. Cir. Jan.

POLLUTION CONTROL BOARD

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19, 1996) of its October 30, 1995 administrative stay of the rule.

As with the previous docket time-frame, the Board will not need to act on certain of the January 1, 1996 through June 30, 1996 federal RCRA Subtitle C amendments. The Board dealt with the federal amendments of June 5, 1996, in docket #95-20, on June 20, 1996. Further, the March 15, 1996, action related to federal authorization of the Illinois RCRA Subtitle C program, which the Board notes in this opinion, but which requires no further action. Finally, as discussed below, the June 28, 1996 federal action requires no action because it reversed the federal amendments of October 30, 1995 described above.

Later Federal Actions

A small number of federal amendments to the RCRA Subtitle C regulations directly affect the subject matter involved in this docket by virtue of the amendments included in #96-10 and #97-5. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, #97-21, for the period July 1, 1996 through December 31, 1996. These include the following federal actions:

Federal Action
July 10, 1996
(61 Fed. Reg. 36419)
Summary
Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996 actions.
August 26, 1996
(61 Fed. Reg. 43923)
Summary
Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs. Final Amendments to the "Subpart CC" rules.
November 25, 1996
(61 Fed. Reg. 59931)
Summary
USEPA adopted final amendments to its December 6, 1994 organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket #98-5, for the period January 1, 1997 through June 30, 1997, are the following:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Federal Action
January 14, 1997
(62 Fed. Reg. 1991)
Summary
Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

Federal Action
February 19, 1997
(62 Fed. Reg. 7501)
Summary
Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996 actions amending these tables.

Federal Action
May 12, 1997
(62 Fed. Reg. 25997)
Summary
Adoption of the Phase IV LDRs. USEPA adopted amendments to the Phase IV LDRs. On July 16, 1997, the Board received a motion from the Peoria Disposal Company to expedite on narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.)

Federal Action
June 17, 1997
(62 Fed. Reg. 32973)
Summary
Amendment of carbamate waste listings in response to a judicial remand. USEPA deleted a number of carbamate waste listings in response to the remand in Dithiocarbamate Task Force v. EPA, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period July 1, 1997 through December 31, 1997, for which there is no docket presently reserved. That action is the following:

Federal Action
July 14, 1997
(62 Fed. Reg. 37693)
Summary
Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Docket #97-3: January 1, 1996 through June 30, 1996 UIC Amendments

Federal Action
April 8, 1996
(61 Fed. Reg. 15596)
Summary
Phase III land disposal restrictions (LDRs).
April 10, 1996
(61 Fed. Reg. 19117)
Summary
Phase III LDR corrections.
June 28, 1996
(61 Fed. Reg. 33680)
Summary
Phase III LDR corrections.

Specifically, the amendments to Part 720 add incorporations by reference necessary for implementation of the regulations governing testing sorbent materials used for landfill disposal of hazardous waste, for monitoring organic material emissions from tanks, containers, and surface

POLLUTION CONTROL BOARD

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impoundments that contain hazardous waste (called the "Subpart CC" rules), and for designating wastes for the purposes of the OECD regulations applicable to international shipments of hazardous waste for recycling. The Board further used this opportunity to make a number of non-substantive corrective and editorial amendments to the existing text of Part 720.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge

Attorney

Illinois Pollution Control Board

100 W. Randolph 11-500

Chicago, IL 60601

312-814-6924

Request copies of the Board's opinion and order of November 6, 1997 from Victoria Agyeman, at the above address, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WASTE DISPOSAL

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section

720.101

720.102

720.103

Purpose, Scope, and Applicability
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Rulemaking
Alternative Equivalent Testing Methods
Waste Delisting
Petitions for Regulation as Universal Waste
Procedures for Solid Waste Determinations
Solid Waste Determinations
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Procedures for Determinations
Additional regulation of certain hazardous waste Recycling Activities
on a case-by-case Basis
Procedures for case-by-case regulation of hazardous waste Recycling Activities

APPENDIX A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in

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R86-19 at 10 lll. Reg. 70630, effective March 24, 1987; amended in R86-28 at 11 lll. Reg. 70631, effective April 1, 1987; amended in R86-46 at 11 lll. Reg. 70632, effective May 1, 1987; amended in R86-64 at 11 lll. Reg. 70633, effective June 1, 1987; amended in R86-82 at 11 lll. Reg. 70634, effective July 1, 1987; amended in R86-100 at 11 lll. Reg. 70635, effective August 1, 1987; amended in R86-118 at 11 lll. Reg. 70636, effective September 1, 1987; amended in R86-136 at 11 lll. Reg. 70637, effective October 1, 1987; amended in R86-154 at 11 lll. Reg. 70638, effective November 1, 1987; amended in R86-172 at 11 lll. Reg. 70639, effective December 1, 1987; amended in R86-190 at 11 lll. Reg. 70640, effective January 1, 1988; amended in R87-39 at 12 lll. Reg. 12999, effective July 27, 1988; amended in R88-16 at 13 lll. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 lll. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 lll. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 lll. Reg. 6225, effective April 16, 1990; amended in R89-18 at 14 lll. Reg. 7893, effective May 1, 1990; amended in R89-26 at 14 lll. Reg. 7894, effective June 1, 1990; amended in R90-11 at 15 lll. Reg. 9321, effective June 1, 1991; amended in R91-1 at 15 lll. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 lll. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 lll. Reg. 17636, effective November 6, 1992; amended in R92-10 at 16 lll. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 lll. Reg. 120545, effective November 22, 1993; amended in R93-16 at 18 lll. Reg. 6720, effective December 22, 1994; amended in R94-7 at 18 lll. Reg. 12160, effective January 29, 1994; amended in R94-17 at 18 lll. Reg. 17480, effective June November 23, 1994; amended in R95-6 at 19 lll. Reg. 9508, effective June 1995; amended in R95-25 at 20 lll. Reg. 10937, effective August 1, 1996; amended in R96-10/92-R97-5 at 22 lll. Reg.

RRC

SUBPART A: GENERAL PROVISIONS

Section 720.101 Purpose, Scope, and Applicability

- a) This Part provides definitions of terms, general standards and overview information applicable to 35 Ill. Adm. Code 720 through 725, and 728, 731, and 739.
- b) In this Part:
 - 2) Section 720.103 establishes rules of grammatical construction for 35 Ill. Adm. Code 720 through 725, and 728, 733, and 739.
 - 3) Section 720.110 defines terms which are used in 35 Ill. Adm. Code 720 through 725, and 728, 733, and 739.

(Source: Amended 116 at 22 Ill. Reg. 256, effective 1/1/57)

Section 720.102 Availability of Information; Confidentiality of Information

- a) Availability and confidentiality of information is governed by Illinois law, including Sections 7 and 7.1 of the Environmental Protection Act [415 ILCS 5/7 and 7.1] (~~§§§-Rev.-Stat--49877-enr~~
~~§§§-4987-enr~~) and 35 Ill. Adm. Code 101.107 and 120.
b) ~~§§§-4987-enr~~ and 35 Ill. Adm. Code 722.153(a) and 722.183 that is submitted in a notification of intent to export a hazardous waste will be provided to the U.S. Department of State and the

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appropriate authorities in the transit and receiving or importing countries regardless of any claims of confidentiality or trade secret.

(Source: Amended at 22 Ill. Reg. _____, effective _____.)

SUBPART B: DEFINITIONS

Section 720.111 References

- a) The following publications are incorporated by reference:
- ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219.
- ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September, 1983.
- ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018. 212-354-3300:
- ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4.

AGENTS--AVERTHE-FLAME-AMERICAN-CONCRETE-INSSTITUTE-Box-1-797507

ACI-318-03--"Building--Code--Requirements--for--Reinforced
Concrete"--adopted-September-1903-

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, Second Edition, December, 1987.

"Evaporative Loss from External Floating-Roof Tanks", API Publication 2517. Third Edition. February. 1989.

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks", 4th Edition, 1981, reaffirmed December, 1987.

"Installation of Underground Petroleum Storage Systems", API Recommended Practice 1615. Fourth Edition. November, 1987.

APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230. 412-232-3444.

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APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3 - 1987, as supplemented by B31.3a - 1988 and B31.3b - 1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4 - 1986, as supplemented by B31.4a - 1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215-299-5400:

ASTM C94-90. Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D88-87. Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January, 1987.

ASTM D93-85. Standard Test Methods for Flash Point by Pensky - Martens Closed Tester, approved October 25, 1985.

ASTM D1946-90. Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved March 30, 1990.

ASTM D2161-87. Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

ASTM D2267-88. Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D2382-88. Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D2879-86. Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isotenscope, approved October 31, 1986.

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ASTM D 2879-92. Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isotenscope, approved 1992.

ASTM D3828-87. Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester, approved December 14, 1986.

ASTM E169-88. Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E169-87. Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E260-85. Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

ASTM E926-88 C. Standard Test Methods for Preparing Refuse-Derived Fuel (RDF) Samples for Analysis of Metals, Bomb-Acid Digestion Method, approved March 35, 1988.

ASTM Method G21-70 (1984a) -- Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi.

ASTM Method G22-76 (1984b) -- Standard Practice for Determining Resistance of Plastics to Bacteria.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November, 1986), as amended by Updates I (July, 1992), II (September, 1994), IIA (August, 1993), and IIB (January, 1995) (Document number 955-001-00000-1).

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE

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Recommended Practice RP0285-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-487-4600:

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.)

"Guidance on Air Quality Models", Revised 1986. (Document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement)).

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677).

"Methods Manual for Compliance with BIF Regulations", December, 1990. (Document number PB91-120-006).

"Petitions to Delist Hazardous Wastes--A Guidance Manual, Second Edition", EPA/530-SW-85-003, E33-007, April--1985 March, 1993. (Document Number PB 85-494469 23-169 365).

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", EPA-530/SW-61.1, 1977. (Document number PB 84-174820).

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", October, 1992, Publication Number EPA-450/R-92-019.

OECD. Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France):

OECD Guideline for Testing of Chemicals, Method 301B: "CO(2) Evolution (Modified Sturm Test)", adopted 17 July 1992.

Table 2.8 of the Annex of OECD Council Decision

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C(88)30(Final) of 27 May 1988.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, MH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

USEPA. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October, 1992, Publication Number EPA-450/R-92-019.

USEPA. Available from RCRA Information Center (R1C), 1235 Jefferson Davis Highway, first floor, Arlington, VA 22203 (Docket #E-34-18R-FFFFF):

OECD Amber List of Wastes, Appendix 4 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

OECD Green List of Wastes, Appendix 3 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1994).

OECD Red List of Wastes, Appendix 5 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

Table 2.B of the Annex of OECD Council Decision C(88)30(Final) (May 27, 1988).

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

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- 10 CFR 20, Appendix B (1997 ~~1994~~)
40 CFR 51.100(ii) (1997 ~~1994~~)
40 CFR 51, Subpart W (1997 ~~1994~~)
40 CFR 52.741, Appendix B (1997)
40 CFR 60 (1997 ~~1994~~), ~~as amended at 59 Fed. Reg. 62924 (Dec. 6, 1994)~~
40 CFR 61, Subpart V (1997 ~~1994~~)
40 CFR 136 (1997 ~~1994~~), ~~as amended at 60 Fed. Reg. 17160 (Apr. 4, 1995)~~
40 CFR 142 (1997 ~~1994~~)
40 CFR 220 (1997 ~~1994~~)
40 CFR 260.20 (1997 ~~1994~~)
40 CFR 264 (1997 ~~1994~~)
40 CFR 268, Appendix IX (1997 ~~1994~~)
40 CFR 302.4, 302.5 and 302.6 (1997 ~~1994~~)
40 CFR 761 (1997 ~~1994~~)
49 CFR 171 (1997 ~~1995~~)
49 CFR 173 (1997 ~~1995~~)
49 CFR 178 (1997 ~~1994~~)

c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended through December 31, 1987.

Sections 201(v), 201(w), and 360b(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 U.S.C. Sections 321(v), 321 (w) and 512(j)), as amended through October 25, 1994.

d) This Section incorporates no later editions or amendments.

(Source: Amended at 22 Ill. Reg. 9.04, effective

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DEC 16, 1997

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- 1) **Heading of the Part:** Identification and Listing of Hazardous Waste

- 2) **Code citation:** 35 Ill. Adm. Code 721

- 3) **Section numbers:**
 721.104 Amended
 721.105 Amended
 721.106 Amended
 721.132 Amended
 721.133 Amended
 721-App. G Amended
 721-App. H Amended

- 4) **Statutory authority:** 415 ILCS 5/22.4 and 27

- 5) **Effective date of amendments:** December 16, 1997

- 6) **Does this rulemaking contain an automatic repeal date?** No

- 7) **Do these amendments contain incorporations by reference?** No. 35 Ill. Adm. Code 720.111 is the central listing of all documents incorporated by reference for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739. The existing text of Part 721 includes references to documents incorporated by reference in 35 Ill. Adm. Code 720.111. The present amendments to Part 721 do not amend those references.

- 8) **Date filed in Board's principal office:** Order adopted November 6, 1997.

- 9) **Notice of proposal published in Illinois Register:** August 8, 1997, 21 Ill. Reg. 10231

- 10) **Has JCAB issued a Statement of Objections to these rules?** No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or second notice review by JCAB. Nevertheless, JCAB did review the text in the course of preparing a Notice of Proposed Amendments for publication in the Illinois Register. JCAB made a number of minor revisions to the text of the proposed amendments, as approved by the Board by its opinion and order of July 24, 1997, before they appeared in the August 8, 1997 Notice of Proposed Amendments in the Register. The Board has reviewed the JCAB revisions to the text, and accepted nearly all of them. The revisions are outlined in the response to question (11) below.

- 11) **Differences between proposal and final version:** The Board has made a number of minor revisions to the text of the amendments as proposed. Most

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are in response to comments from JCAB. A small number are based on comments from the Illinois Environmental Protection Agency (Agency). Many others are based on the Board's review of the text in response to the JCAB and Agency suggestions. As explained in the response to question (10) above, JCAB altered the text of the proposed amendments between when the Board approved them for public comment on July 24, 1997 and when they appeared in a Notice of Proposed Amendments in the August 8, 1997 issue of the Illinois Register. The table below indicates the revisions undertaken, the source(s) of each, and their location in the text. The table indicates the revisions to the text as approved by the Board on July 24, 1997, not necessarily reflecting its appearance in the August 8, 1997 Illinois Register as altered by JCAB. A second table indicates the JCAB revisions that the Board has not accepted. Those revisions appeared in the August 8, 1997, issue of the Register.

Revisions to the Text Since the Proposal for Public Comment

Section	Source	Revision(s)
721-Source Note	JCAR	Removed underlining of added text
721.104(a)(4)	JCAR	Added ending period
721.104(a)(12)	JCAR	Changed "721-Subpart D" to "Subpart D of this Part"
721.104(b)(1)(B)	Board	Corrected spelling of "Environmental"
721.104(b)(1)(B)	JCAR	Changed "721-Subpart C" to "Subpart C of this Part"
721.104(b)(6)(A)	Board	Removed duplicate "Are"
721.104(b)(6)(A)	JCAR	Changed "721-Subpart D" to "Subpart D of this Part"
721.104(b)(6)(B)	JCAR	Changed "above" to "of this Section" in base text
721.104(b)(13)	JCAR	Changed "721-Subpart D" to "Subpart D of this Part"
721.104(d)(1)	Board	Changed "below" to "of this Section" in base text
721.104(d)(2)	Board	Changed "above" to "of this Section" in base text
721.104(d)(3)	Board	Changed "above" to "of this Section" in base text
721.104(e)(1)	Board	Changed "below" to "of this Section" in base text
721.104(e)(2)	Board	Changed "above" to "of this Section" in base text
721.104(e)(2)(C)	Board	Changed "below" to "of this Section" in base text
721.104(e)(2)(D)	Board	Changed "below" to "of this Section" in base text

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721.104(e)(2)(f)	Board	base text
721.104(e)(3)	Board	Changed "above" to "of this Section" in base text
721.104(e)(3)(C)	Board	Changed "subsection (e)(2)(A) and (e)(2)(B) above and (f)(4) below" to "subsections (e)(2)(A), (e)(2)(B), and (f)(4) of this Section" in base text
721.104(f)	Board	Changed "above" to "of this Section" in base text (twice)
721.104(f)(1)	JCAR	Changed "below" to "of this Section" in base text (three times)
721.104(f)(4)	Board	Added designation "(f)" to reference
721.104(f)(10)	Board	Separated words "include treatment"
721.105(b)	Board	Changed "below" to "of this Section" in base text (twice)
721.105(f)	Board	Changed "above" to "of this Section" in base text
721.105(f)(2)	Board	Changed "above" to "of this Section" in base text
721.105(f)(3)	JCAR	Changed "shall" to "small;" removed words "provided that if the on-site or off-site facility;" changed "either" to "grammatically-correct"; removed space before ending colon
721.105(f)(3)(D)	Agency	Withdraw federal July 1, 1996, amendments included in error and not mentioned in opinion
721.105(f)(3)(E)	Agency	Withdraw federal July 1, 1996, amendments included in error and not mentioned in opinion
721.105(g)(3)	Board	Changed "either" to grammatically-correct "any."
721.105(g)(3)(A)	JCAR	Removed added "Part 702 and"
721.105(g)(3)(D)	Agency	Withdraw federal July 1, 1996, amendments included in error and not mentioned in opinion
721.105(g)(3)(E)	Agency	Withdraw federal July 1, 1996, amendments included in error and not mentioned in opinion
721.106(a)(1)	Board	Changed "below" to "of this Section" in base text (twice)
721.106(a)(3)(A)(i)	Board	Corrected spelling of word "acknowledgment" (twice)
721.106(b)	Board	Changed "above" to "of this Section" in base text

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721.106(c)(1)	Board	Changed "below" and "above" to "of this Section" in base text
721.106(c)(2)	Board	Changed "above" to "of this Section" in base text
721.106(c)(2)(C)	Board	Changed "below" to "of this Section" in base text
721.132 "K114"	Board	Corrected spelling of word "toluenediamine"
721.132 "K086"	Board	Corrected spelling of word "dryers"
721.133(a)	Board	Changed "below" to "of this Section" in base text
721.133(b)	Board	Changed "below" to "of this Section" in base text
721.133(c)	Board	Changed "below" to "of this Section" in base text
721.133(d) & Board Note	Board	Changed "below" to "of this Section" in base text (four times)
721.133(e)	Board	Changed "EPA" to "USEPA;" changed "above" to "of this Section" in base text
721.133(f)	Board	Changed "EPA" to "USEPA;" changed "above" to "of this Section" in base text
721.Appendix G "F028"	JCAR	Corrected spelling of word "dioxins"

The table of suggested amendments that the Board declined to make is organized a bit differently from the above tables. The table also indicates the suggestion and its source in the middle column, and the Board's response appears in the right column.

Suggestions Not Accepted

Section	Source: Suggestion	Board Response
721.104(a)(1)(C)	JCAR: remove subsection designation and change indent level	Secretary of State rules at 1 Ill. Adm. Code 100.340(C), prohibit such return to a higher indent level
721.132, 721.133(e) & 721.App.G	JCAR: underline headings	Secretary of State 1 Ill. Adm. Code 100.500(e), prohibit the use of underlining in the text of regulations

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Section 22.4(a) of the

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Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. As explained in the response to questions (10) and (11) above, JCAR altered the text of the proposed amendments between when the Board approved them for public comment on August 7, 1997, and when they appeared in a Notice of Proposed Amendments in the August 29, 1997 issue of the *Illinois Register*. The Board has reviewed the JCAR revisions to the text, and accepted nearly all of them. The revisions are outlined in the response to question (11) above.

- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
721.109	Amend	November 21, 1997, 21 Ill. Reg. 14725

The Board proposed regulations on November 6, 1997, under docket number R98-12, that would designate certain mercury-containing lamps as universal waste. The effect of this action would be to regulate these wastes under 35 Ill. Adm. Code 733, rather than under the generally-applicable body of hazardous waste regulations at 35 Ill. Adm. Code 721 through 726 and 728. The R98-12 amendments will not affect the substance of the amendments involved in this consolidated update docket, R96-10/R97-3/R97-5.

15) Summary and purpose of Amendments:

A more detailed description is contained in the Board's opinion and order of November 6, 1997, in consolidated docket R96-10/R97-3/R97-5, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R96-10 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1, 1995, through December 31, 1995. The R97-3 proceeding updates the Board's DTC rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1996 through June 30, 1996. R97-5 corresponds to updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1, 1996 through December 31, 1996. During these timeframes, USEPA undertook a number of amendments. Certain later actions, outside the normal docket time-frames, are included for various

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reasons.

Docket	R96-10: July 1, 1995, through December 31, 1995, RCRA Subtitle C Amendments:	July 7, 1995 (61 Fed. Reg. 35452)	July 11, 1995 (61 Fed. Reg. 35703)	August 14, 1995 (61 Fed. Reg. 41817)	September 29, 1995 (61 Fed. Reg. 50426)	October 23, 1995 (61 Fed. Reg. 54311)	October 30, 1995 (61 Fed. Reg. 55202)
	<p>Corrections to Subpart CC rules. USEPA corrected the docket number in the Federal Register preamble discussion of December 6, 1994.</p> <p>Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.</p> <p>Notice of revised interpretation of carbamate rule. USEPA revised its interpretation of its carbamate rules to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.</p> <p>Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.</p> <p>Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the text of the delisting rule. USEPA inadvertently deleted the delisting rule in sending to and the delisting only to delete the waste from a single source (in Connecticut) on February 8, 1994.</p> <p>Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertain to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally-applicable hazardous waste regulations. Thus, the stay</p>						

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has the effect of making these wastes subject to more stringent regulations.

November 13, 1995
(61 Fed. Reg. 56952)
USEPA delayed the effective date of the organic material emission from rules of hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

December 11, 1995
(61 Fed. Reg. 63417)
Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

The Board did not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period of July 1, 1995 through December 31, 1995. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995, in the prior RCRA Subtitle C update docket, 895-20, adopted June 20, 1996. No further action is required of the Board on those matters. Further, the Board will need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995. The Board is taking action on the federal actions of July 11 and December 11, 1995 in this consolidated docket.

In addition to the direct revisions to the RCRA Subtitle C regulations during the time period of docket 895-10, USEPA amended the federal water pollution control regulations three times during the period July 1, 1995 through December 31, 1995 in a way that could affect the Illinois RCRA Subtitle C rules. These federal actions revised analytical methods of 40 CFR 136, as follows:

Federal Action

August 2, 1995
(61 Fed. Reg. 39586)
Summary
USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.

August 28, 1995
(61 Fed. Reg. 44670)
USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater.
October 16, 1995
(61 Fed. Reg. 53529)
USEPA added whole effluent toxicity testing to the approved methods.

The methods codified in 40 CFR 136 are incorporated by reference at

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Section 720.111 of the Illinois RCRA Subtitle C rules for the purposes of the hazardous waste and underground injection control regulations. The Board updated the incorporations by updating to the 1996 edition of the Code of Federal Regulations.

Docket R97-5: January 1, 1996 through June 30, 1996, RCRA Subtitle C Amendments

February 9, 1996
(61 Fed. Reg. 4903)
Federal Action
Summary
USEPA amended the organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994, Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
(61 Fed. Reg. 10684)
Relating to federal authorization of Illinois program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990, and November 22, 1993. Correction to exclusion for recovered oil reinserted into refining process.

March 26, 1996
(61 Fed. Reg. 13103)
Corrected an error in its July 28, 1994, exclusion of recovered oil from the definition of solid waste.

April 8, 1996
(61 Fed. Reg. 15596)
Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

April 8, 1996
(61 Fed. Reg. 15662)
Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in Chemical Waste Management, Inc. v. EPA, 976 F.2d 1121 (7th Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993).

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Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994, Phase II LDRs that

April 12, 1996
(61 Fed. Reg. 16309)

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39. Phase III LOR corrections (two separate actions). In each action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LOR rules.

June 5, 1996
(61 Fed. Reg. 28508)

Subpart CC organic material emission standards amendment to effect partial stay. US EPA further postponed implementation of the December 6, 1994, Subpart CC organic material emissions requirements until October 6, 1996. Phase III LDR corrections. US EPA made technical corrections to the April 8, 1996, Phase III LDRs and partial withdrawal.

June 28, 1996
(61 Fed. Reg. 33680)

Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996, Phase III LDRs and partial withdrawal

June 28, 1996
(61 Fed. Reg. 33691)

Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992, used oil mixtures rule in response to a January 19, 1996, vacatur in *Safety-Kleen Corp. v. EPA*, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995, administrative stay of the rule.

As with the previous docket time-frame, the Board will not need to act on the January 1, 1996, through June 30, 1996, federal RCRA Subtitle C amendments. The Board dealt with the federal amendments of June 5, 1996 in docket P95-20, on June 20, 1996. Further, the March 15, 1996 action related to federal authorization of the Illinois RCRA Subtitle C program, which the Board notes in this opinion, but which requires no action, requires no action because it reversed the federal amendments of October 30, 1995, described above.

Later Federal Actions

A small number of federal amendments to the RCRA Subtitle C regulations directly affect the subject matter involved in this docket by virtue of

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the amendments included in R96-10 and R97-5. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1, 1996 through December 31, 1996. These include the following federal actions:

Federal Action
July 10, 1996
(61 Fed. Reg. 36419)

Summary
Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996, actions.

August 26, 1996
(61 Fed. Reg. 43923)

Emergency revision of the Phase III LDRs.
USEPA adopted an emergency amendment to make technical corrections to the carbonate waste provisions included with the Phase III LDRs.

November 25, 1996
(61 Fed. Reg. 59931)

Final Amendments to the "Subpart CC" rules. USEPA adopted final amendments to its December 6, 1994, organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

Federal Action
January 14, 1997
(62 Fed. Reg. 1991)

Summary
Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

February 19, 1997
(62 Fed. Reg. 7501)

Corrections to the Phase III I.D.R.s. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996 actions amending these tables.

May 12, 1997
(62 Fed. Reg. 25997)

Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (On July 16, 1997, the Board received a motion from the Peoria Disposal Company to expedite the narrow aspect of these amendments that significantly reduced the paperwork burden of

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June 17, 1997
(62 Fed. Reg. 32973)

the requirements for waste certifications.)
Amendment of carbamate waste listings in
response to a judicial remand. USEPA deleted
a number of carbamate waste listings in
response to the remand in *Dithiocarbamate Task
Force v. EPA*, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period
July 1, 1997, through December 31, 1997, for which there is no docket
presently reserved. That action is the following:

Federal Action

July 14, 1997
(62 Fed. Reg. 37693)

Summary

Extension of the national capacity variance
for K088 wastes. USEPA extended the national
capacity variance for K088 wastes for three
months, until October 8, 1997.

Docket R97-3: January 1, 1996, through June 30, 1996, UIC Amendments

Federal Action

April 9, 1996
(61 Fed. Reg. 15596)
April 30, 1996
(61 Fed. Reg. 19117)
June 28, 1996
(61 Fed. Reg. 33680)

Summary

Phase III land disposal restrictions (LDRs).

Phase III LDR corrections.

Phase III LDR corrections.

Specifically, the amendments to Part 721 implement various of the federal
Phase III land disposal restriction (LDR) and carbamate rule revisions.
The amendments incorporate the federal changes to the exclusion applicable
to recovered oil reintroduced to the refining process. They also add a
category of recycled materials for the purposes of the OECD regulations
applicable to international shipments of hazardous waste for recycling.
The Board further used this opportunity to make a number of
non-substantive corrective and editorial amendments to the existing text
of Part 721.

16) Information and questions regarding these adopted amendments shall be
directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of November 6, 1997 from

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Victoria Ayeyman at the above address at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721

IDENTIFICATION AND LISTING OF
HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section	Purpose of Scope
721.101	Definition of Solid Waste
721.102	Definition of Hazardous Waste
721.103	Exclusions
721.104	Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.105	Requirements for Recyclable Materials
721.106	Residues of Hazardous Waste in Empty Containers
721.107	Residues of Hazardous Waste in Empty Containers
721.108	PCB Wastes Regulated under TSCA
721.109	Requirements for Universal Waste

SUBPART B: CRITERIA FOR IDENTIFYING THE
CHARACTERISTICS OF HAZARDOUS WASTE
AND FOR LISTING HAZARDOUS WASTECriteria for Identifying the Characteristics of Hazardous Waste
Criteria for Listing Hazardous Waste

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	General
721.120	Characteristic of Ignitability
721.121	Characteristic of Corrosivity
721.122	Characteristic of Reactivity
721.123	Toxicity Characteristic

SUBPART D: LISTS OF HAZARDOUS WASTE

Section	General
721.130	Hazardous Wastes From Nonspecific Sources
721.131	Hazardous Wastes From Specific Sources
721.132	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof
721.133	

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721.135 Wood Preserving Wastes

Section	Representative Sampling Methods
APPENDIX A	Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)
APPENDIX B	Chemical Analysis Test Methods
APPENDIX C	TABLE A Analytical Characteristics of Organic Chemicals (Repealed)
TABLE B	Analytical Characteristics of Inorganic Species (Repealed)
TABLE C	Sample Preparation/Sample Introduction Techniques (Repealed)
APPENDIX D	Basis for Listing Hazardous Wastes
APPENDIX E	Hazardous Constituents
APPENDIX F	Wastes Excluded by Administrative Action
TABLE A	Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Non-Specific Sources
TABLE B	Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from Specific Sources
TABLE C	Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Containers, Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof
TABLE D	Wastes Excluded by the Board by Adjusted Standard
APPENDIX J	Method of Analysis of Chlorinated Dibenzop-p-Dioxins and Dibenzofurans (Repealed)
APPENDIX Z	Table to Section 721.102

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/22.4 and 27).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16598, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 15303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 13006, effective July 32, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R87-16 at 13 Ill. Reg. 381, effective December 27, 1988; amended in R89-1 in R89-1 at 13 Ill. Reg. 1810, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9372, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended

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in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 11011, effective October 1, 1997.

SUBPART A: GENERAL PROVISIONS

Section 721.104 Exclusions

- a) Materials that are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

- 1) Sewage:
 - A) Domestic sewage; and
 - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment.
- C) "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.
- 2) Industrial wastewater discharges that are point source discharges with NPDES permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309. **BOARD NOTE:** This exclusion applies only to the actual point source discharge and not to the sludge or other material that remains while they are being collected, stored, or treated before discharge nor does it include sludges that are generated by industrial wastewater treatment.
- 3) Irrigation return flows.
- 4) Source, energy nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).
- 5) Materials subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process.
- 6) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively, as defined in Section 721.101(c).
- 7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively, as defined in Section 721.101(c).
- 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process, provided:

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- A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
 - B) Reclamation does not involve controlled flame combustion or incinerators as occurs in boilers, industrial furnaces or incinerators;
 - C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and
 - D) The reclaimed material is not used to produce a fuel or used to produce products that are used in a manner constituting disposal.
- 9) Wood preserving wastes.
- A) Spent wood preserving solutions that have been used and which are reclaimed and reused for their original intended purpose; and
 - B) Wastewaters from the wood preserving process that have been reclaimed and which are reused to treat wood.
- 10) Hazardous waste numbers K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when subsequent to generation these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the waste from the point it is generated to the point it is recycled or otherwise reused. The exclusion from the tar refining processes or prior to when it is mixed with coal tar.
- 11) Nonwastewater slush pondenser dross residue from the treatment of hazardous waste number K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.
- 12) Recovered oil from petroleum refining, exploration, and production and from transportation incident thereto that is to be inserted into the petroleum refining process (SIC Code 2911) at or before a point (other than direct insertion into a coker) where contaminants are removed along with normal process streams prior to crude distillation or catalytic cracking. This exclusion applies to recovered oil stored or transported prior to insertion, except that the oil must not be stored in a manner involving placement on the land and the oil must not be accumulated speculatively before being recycled. Recovered oil is oil that has been reclaimed from secondary materials (such as wastewater) generated from normal petroleum refining, exploration, and production, and from transportation practices. Recovered oil includes oil that is recovered from refinery wastewater collection and treatment systems, oil recovered from

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oil and gas drilling operations, and oil recovered from waste removed from crude oil storage tanks. Recovered oil does include (among other things) oil-bearing sediments waste listed in 721 Subpart D of this Part, Code 703.181 through 703.188, and 703.189. However, oil recovered from such wastes may be considered recovered oil. Recovered oil also does not include used oil as defined in 35 Ill. Adm. Code 739.100.

- b) Solid wastes that are not hazardous wastes. The following solid wastes are not hazardous wastes:

1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel), or reused. "Household waste" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this Part, if such facility:

- A) Receives and burns only:
- i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); and
 - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste, and

B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received or burned in such facility.

ROSEN v. Environmental Defense Fund, Inc., 703 F.2d 114 S. Ct. 1588 (1994). Court determined, in City of Chicago v. Environmental Defense Fund, Inc., 703 F.2d 114 S. Ct. 1588 (1994), that this exclusion and RCRA section 3001(i) (42 U.S.C. 6921(i)) do not exclude the ash from facilities covered by this subsection from regulation as a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994), USEPA granted facilities managing ash from such facilities that is determined a hazardous waste under 721 Subpart C of this Part until December 7, 1994 to file a Part A permit application pursuant to 35 Ill. Adm. Code 703.181. At 60 Fed. Reg. 6666 (Feb. 3, 1995), USEPA stated that it interpreted that the point at which ash becomes subject to RCRA Subtitle C regulation is when that material leaves the combustion building (including connected air pollution control equipment).

- 2) Solid wastes generated by any of the following that are returned to the soil as fertilizers:

A) The growing and harvesting of agricultural crops, or

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- B) The raising of animals, including animal manures.
- 3) Mining overburden returned to the mine site.
 - 4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste. Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy.

Chromium wastes:

- A) Wastes that fail the test for the toxicity characteristic (Section 721.124 and Appendix B) because chromium is present or which are listed in 721 Subpart D of this Part due to the presence of chromium, that do not fail the test for the toxicity characteristic for any other constituent or which are not listed due to the presence of any other constituent, and that do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:

- i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;

- ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate trivalent chromium, and
- iii) The waste is typically and frequently managed in non-oxidizing environments.

B) Specific wastes that meet the standard in subsection (b)(6)(A) of this Section above (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic) are:

- i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;

- ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;

- iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue;

- iv) Sewer screenings generated by the following

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subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;

v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and through-the-blue;

vi) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries; and

vii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.

7) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock, and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste. For purposes of this subsection, beneficiation of ores and minerals is restricted to the following activities: crushing, grinding, washing, dissolution, crystallization, filtration, sorting, sizing, drying, sintering, pelletizing, briquetting, calcining to remove water or carbon dioxide, roasting, autoclaving or chlorination in preparation for leaching (except where the roasting or autoclaving or chlorination and leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing), gravity concentration, magnetic separation, electrostatic separation, flotation, ion exchange, solvent extraction, electrowinning, precipitation, amalgamation, and heap, dump, vat tank, and in situ leaching. For the purposes of this subsection, solid waste from the processing of ores and minerals includes only the following wastes:

- A) Slag from primary copper processing,
- B) Slag from primary lead processing,
- C) Red and brown muds from bauxite refining,
- D) Phosphogypsum from phosphoric acid production,
- E) Slag from elemental phosphorus production,
- F) Gasifier ash from coal gasification,
- G) Process wastewater from coal gasification,
- H) Calcium sulfate wastewater treatment plant sludge from primary copper processing,
- I) Slag tailings from primary copper processing.

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J) Fluorogypsum from hydrofluoric acid production,
K) Process wastewater from hydrofluoric acid production, blast
L) Air pollution control dust or sludge from iron blast furnaces,
M) Iron blast furnace slag,

N) Treated residue from roasting and leaching of chrome ore,
O) Process wastewater from primary magnesium processing by the anhydrous process, from phosphoric acid production,
P) Process wastewater, from phosphoric acid production,
Q) Basic oxygen furnace and open hearth furnace air pollution control dust or sludge from carbon steel production,
R) Basic oxygen furnace and open hearth furnace slag from carbon steel production,

S) Chloride processing waste solids from titanium tetrachloride production,
T) Slag from primary zinc smelting,
8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

9) Solid waste that consists of discarded arsenical-treated wood or wood products that fails the test for the toxicity characteristic for hazardous waste codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons that utilize the arsenical-treated wood and wood products for these materials' intended end use.

10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste codes D018 through D043 only) and which are subject to corrective action regulations under 35 Ill. Adm. Code 731.

11) This subsection corresponds with 40 CFR 261.4(b)(11), which expired by its own terms on January 25, 1993. This statement maintains structural parity with USEPA regulations.

12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that uses chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

13) Non-terme plated used oil filters that are not mixed with wastes listed in 721; Subpart D of this Part, if these oil filters have been gravity hot-drained using one of the following methods:

- A) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
- B) Hot-draining and crusing;
- C) Dismantling and hot-draining;
- D) Any other equivalent hot-draining method that will remove used oil.

14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

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c) Hazardous wastes that are exempted from certain regulations. A hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 725, and 728 or to the notification requirements of Section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment or unless hazardous waste released in the unit is not subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728. The sample is being transported to a laboratory for the purpose of testing;

d) Samples.

1) Except as provided in subsection (d)(2) of this Section below, a sample of solid waste or a sample of water, soil, or air that is collected for the sole purpose of testing to determine its characteristics or composition is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 728. The sample qualifies when:

- A) The sample is being transported to a laboratory for the purpose of testing;
- B) The sample is being transported back to the sample collector after testing;
- C) The sample is being stored by the sample collector before transport to a laboratory for testing;
- D) The sample is being stored in a laboratory before testing;
- E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
- F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

2) In order to qualify for the exemption in subsection (d)(1)(A) or (d)(1)(B) of this Section above, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector each must:

- A) Notify both U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or
- B) Comply with the following requirements if the sample collector determines that DOT, USPS, or other shipping requirements do not apply to the shipment of the sample:
 - i) Assume that the following information accompanies the sample: The sample collector's name, mailing address, and telephone number; the laboratory's name, mailing address; and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample.

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ii) Package the sample so that it does not leak, spill, or vaporize from its packaging. The laboratory determines that the waste is hazardous but the laboratory is not packaging the sample under the conditions stated in subsection (d)(1) of this Section above.

e) Treatability study samples.

1) Except as is provided in subsection (e)(2) of this Section below, a person that generates or collects samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:

- A) The sample is being collected and prepared for transportation by the generator or sample collector;
- B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
- C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

2) The exemption in subsection (e)(1) of this Section above is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:

- A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste or 2500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated waste stream;
- B) The generator or sample collector does not exceed 10,000 kg of media contaminated with non-acute hazardous waste, 1000 kg of media contaminated with acute hazardous waste, or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of hazardous waste, and 1 kg of acute hazardous waste; and
- C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and the requirements of subsections (e)(2)(C)(i) or (e)(2)(C)(ii) of this Section below are met.

i) The transportation of each sample shipment complies with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or

ii) If the DOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following

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information must accompany the sample: The name, mailing address, and telephone number of the originator of the sample; the name, address, and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and a description of the sample, including its USEPA hazardous waste number.

- D) The sample is shipped to a laboratory or testing facility that is exempt under subsection (f) of this Section below, or has an appropriate RCRA permit or interim status;
- E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

i) Copies of the shipping documents;

ii) A copy of the contract with the facility conducting the treatability study;

iii) Documentation showing: The amount of waste shipped under this contract; the name, address, and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and whether or not unused samples and residues were returned to the generator; and

- F) The generator reports the information required in subsection (e)(2)(E)(iii) of this Section above in its report under 35 Ill. Adm. Code 722.141.

- 3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsections subsection (e)(2)(A), and (e)(2)(B), above and (f)(4) of this Section below, for up to an additional 5000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste:

A) In response to requests for authorization to ship, store, and conduct further treatability studies in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.

B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies when: There has been an equipment or mechanical

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failure during the conduct of the treatability study, there is need to verify the results of a previously-conducted treatability study, there is a need to study and analyze alternative techniques within a previously-evaluated treatment process, or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.

C) The additional quantities allowed and timeframes allowed in subsections (e)(1)(A) and (e)(3)(B) of this Section above are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (e)(2)(F) of this Section above. The generator or sample collector shall apply to the Agency and provide in writing the following information:

i) The reason why the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;

ii) Documentation accounting for all samples of hazardous waste from the wastestream that have been sent for or undergone treatability studies, including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

iii) A description of the technical modifications or change in specifications that will be evaluated and the expected results;

iv) If such further study is being required due to equipment or mechanical failure, the applicant shall include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and

v) Such other information as the Agency determines is necessary.

- 4) Final Agency determinations pursuant to this subsection may be appealed to the Board.

f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this part, or of 35 Ill. Adm. Code 702.703, 705, 722 through 726, and 728, or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11) of this Section below are met. A mobile treatment

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unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11) of this Section below. Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) of this Section below apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.

1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection (f).

2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.

3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in treatability studies within any single day. "As received" waste refers to the waste received in the shipment from the generator or sample collector.

4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including nonhazardous solid waste) added to "as received" hazardous waste.

5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.

7) The facility maintains records three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

- The name, address, and USEPA identification number of the generator or sample collector of each waste sample;
- The date the shipment was received;
- The quantity of waste accepted;

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D) The quantity of "as received" waste in storage each day;
E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;

F) The date the treatability study was concluded;

G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector, or, if sent to a designated facility, the name of that facility and the USEPA identification number of the facility.

8) The facility keeps and reports to the Agency the results of the contact and all shipping papers associated with the transport of treatability study sample to and from the facility for a period ending three years from the completion date of each treatability study.

9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

- The name, address, and USEPA identification number of the facility conducting the treatability studies;
- The types (by process) of treatability studies conducted;
- The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);

D) The total quantity of waste in storage each day;
E) The quantity and types of waste subjected to treatability studies;

F) When each treatability study was conducted; and
G) The final disposition of residues and unused sample from each treatability study.

10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.105 and, if so, are subject to 35 Ill. Adm. Code 702.703, and 721 through 726, unless the residues and unused samples are returned to the sample originator under the exemption of subsection (e) of this Section.

11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

(Source: Amended at 22 Ill. Reg. 9.000, effective 10-1-80)

Section 721.105 Special Requirements for Hazardous Waste Generated by Small Quantity Generators

- A generator is a conditionally exempt small quantity generator in a calendar month if it generates no more than 100 kilograms of hazardous

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waste in that month. 35 Ill. Adm. Code 700 explains the relation of this to the 100 kg/mo exception of 35 Ill. Adm. Code 809.

- b) Except for those wastes identified in subsections (e), (f), (g) and (j) of this Section below, a conditionally exempt small quantity generator's hazardous wastes are not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the notification requirements of Section 301.0 of Resource Conservation and Recovery Act, provided the generator complies with the requirements of subsections (f), (g) and (j) of this Section below.

- c) When making the quantity determinations of this Part and 35 Ill. Adm. Code 722, the generator must include all hazardous waste that it generates, except the following hazardous waste:

- 1) Hazardous waste that is except from regulation under Section 721.104(c) through (f), 721.106(a)(3), 721.107(a)(1), or 721.108;
- 2) Hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities, as defined in 35 Ill. Adm. Code 720.110;
- 3) Hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under Section 721.106(c)(2);
- 4) Hazardous waste that is used oil managed under the requirements of Section 721.106(a)(4) and 35 Ill. Adm. Code 739;
- 5) Hazardous waste that is spent lead-acid batteries managed under the requirements of 35 Ill. Adm. Code 726.Subpart G; and
- 6) Hazardous waste that is universal waste managed under Section 721.109 and 35 Ill. Adm. Code 733.

- d) In determining the quantity of hazardous waste it generates, a generator need not include:

- 1) Hazardous waste when it is removed from on-site storage; or
- 2) Hazardous waste produced by on-site treatment (including reclamation) of its hazardous waste so long as the hazardous waste that is treated was counted once; or
- 3) Spent materials that are generated, reclaimed and subsequently reused on-site, so long as such spent materials have been counted once.

- e) If a generator generates acute hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acute hazardous waste are subject to full regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the notification requirements of Section 301.0 of the Resource Conservation and Recovery Act:

- 1) A total of one kilogram of one or more of the acute hazardous wastes listed in Section 721.131, 721.132, or 721.133(e); or
- 2) A total of 100 kilograms of any residue or contaminated soil, waste or other debris resulting from the clean-up of a spill, into or on any land or water, of any one or more of the acute hazardous wastes listed in Section 721.131, 721.132, or

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721.133(e).

BOARD NOTE: "Full regulation" means those regulations applicable to generators of greater than 1000 kg of non-acute hazardous waste in a calendar month.

- f) In order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in subsection (e)(1) or (e)(2) of this Section above to be excluded from full regulation under this Section, the generator must comply with the following requirements:

- 1) 35 Ill. Adm. Code 722.111.
- 2) The generator may accumulate acute hazardous waste on-site, if the generator accumulates at any time acute hazardous wastes in quantities greater than set forth in subsection (e)(1) or (e)(2) of this Section above, all of those accumulated wastes are subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the applicable notification requirements of Section 301.0 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(a), for accumulation of wastes on-site, begins when the accumulated wastes exceed the applicable exclusion limit.
- 3) A conditionally exempt small quantity generator may either treat or dispose of its acute hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment, storage, or disposal facility, any of which, if located in provided that if the on-site or off-site facility is located in the United States, meets it--fulfills any of the following conditions:
 - A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;
 - B) The facility has interim status under 35 Ill. Adm. Code 702, 703 and 725;
 - C) The facility is authorized to manage hazardous waste by a state with a hazardous waste management program approved by USEPA pursuant to 40 CFR 271;
 - D) The facility is permitted, licensed, or registered by a state to manage municipal or industrial solid waste;
 - E) The facility is a facility that:
 - i) Beneficially uses or reuses or legitimately recycles or reclaims its waste; or
 - ii) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or
 - F) For universal waste managed under 35 Ill. Adm. Code 733 or 40 CFR 273, the facility is a universal waste handler or destination, the facility subject to the requirements of 35 Ill. Adm. Code 733 or 40 CFR 273.

- g) In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of less than 100 kilograms of hazardous waste during a calendar month to be excluded from full

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regulation under this Section, the generator must comply with the following requirements:

- 1) 35 Ill. Adm. Code 722.111;
- 2) The conditionally exempt small quantity generator may accumulate hazardous waste on-site. If it accumulates at any time more than a total of 1000 kilograms of the generator's hazardous waste, all of those accumulated wastes are subject to regulation under the special provisions of 35 Ill. Adm. Code 722 applicable to generators of between 100 Kg and 1000 Kg of hazardous waste in a calendar month as well as the requirements of 35 Ill. Adm. Code 702, 703, 705 and 723 through 726 and 728, and the applicable notification requirements of Section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(d) for accumulation of wastes on-site begins for a small quantity generator when the accumulated wastes exceed 1000 kilograms;
- 3) A conditionally exempt small quantity generator may either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site storage, treatment, storage, or disposal facility, any of which, if located in provided-that-if the on-site or off-site facility is located in the United States, meets any of the following conditions:
 - A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;
 - B) The facility has interim status under 35 Ill. Adm. Code 702, 703 and 725;
 - C) The facility is authorized to manage hazardous waste by a state with a hazardous waste management program approved by US EPA under 40 CFR 271 (1986);
 - D) The facility is permitted, licensed, or registered by a state to manage municipal or industrial solid waste;
 - E) The facility is a facility that:
 - i) Beneficially uses or re-uses, or legitimately recycles or reclaims the small quantity generator's waste; or
 - ii) Treats its waste prior to beneficial use or re-use, or legitimate recycling or reclamation; or

- G) For universal waste managed under 35 Ill. Adm. Code 733 or 40 CFR 273, the facility is a universal waste handler or destination facility subject to the requirements of 35 Ill. Adm. Code 733 or 40 CFR 273.

Hazardous waste subject to the reduced requirements of this Section may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this Section, unless the mixture has any of the characteristics of hazardous wastes identified in Subpart C.

- h) If a small quantity generator mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this Section, the

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mixture is subject to full regulation.

- j) If a conditionally exempt small quantity generator's hazardous wastes are mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 739, if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated if it is destined to be burned for energy recovery.

(Source: Amended at 22 Ill. Reg. 200.001, effective 10/1/83)

Section 721.106 Requirements for Recyclable Materials

- a) Recyclable materials:

- 1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsections (b) and (c) of this Section below, except for the materials listed in subsections (a)(2) and (a)(3) of this Section below. Hazardous wastes that are recycled will be known as "recyclable materials".

- 2) The following recyclable materials are not subject to the requirements of this Section but are regulated under 35 Ill. Adm. Code 726-Subparts C through H and all applicable provisions in 35 Ill. Adm. Code 702, 703, and 705.
 - A) Recyclable materials used in a manner constituting disposal (35 Ill. Adm. Code 726-Subpart C);
 - B) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under 35 Ill. Adm. Code 724-Subpart O or 725-Subpart O (35 Ill. Adm. Code 726-Subpart H);
 - C) Recyclable materials from which precious metals are reclaimed (35 Ill. Adm. Code 726-Subpart F);
 - D) Spent lead-acid batteries that are being reclaimed (35 Ill. Adm. Code 726-Subpart G).

- 3) The following recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 726, or 702, 703, or 705 and are not subject to the notification requirements of Section 3010 of Resource Conservation and Recovery Act:
 - A) Industrial sludge that is recycled except that, unless provided otherwise in an international agreement as specified in 35 Ill. Adm. Code 722.158;

- 1) A person initiating a shipment for reclamation in a foreign country and any intermediary arranging for the shipment shall comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153; 722.156(a)(1) through (a)(4), (a)(6), and (b); and 722.157; shall export such materials only upon consent of the receiving country and in conformance with the

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USPEA Acknowledgment Acknowledgment of Consent, as defined in 35 Ill. Adm. Code 722. Subpart E, and shall provide a copy of the USPEA Acknowledgment Acknowledgment of Consent to the shipper to the transporter transporting the shipment for export;

iii) Transporters transporting a shipment for export shall not accept a shipment if the transporter knows that the shipment does not conform to the USPEA Acknowledgment of Consent, shall ensure that a copy of the USPEA Acknowledgment of Consent accompanies the shipment, and shall ensure that it is delivered to the facility designated by the person initiating the shipment;

B) Scrap metal;

C) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste where such recovered oil is already excluded under Section 721.104(a)(12));

D) Petroleum refining wastes.

i) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil, so long as the resulting fuel meets the used oil specification under 35 Ill. Adm. Code 726.140(e) and so long as no other hazardous wastes are used to produce the hazardous waste fuel;

ii) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

iii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

E) Petroleum coke produced from petroleum refinery hazardous wastes containing oil by the same person that generated the wastes unless the resulting coke product exceeds one or more

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of the characteristics of hazardous waste in 721-Subpart C. 4) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to the requirements of 35 Ill. Adm. Code 720 through 728, but it is regulated under 35 Ill. Adm. Code 739. Used oil that is recycled includes any used oil that is reused for any purpose following its original use (including the purpose for which the oil was originally used). Such term includes, but is not limited to, oil that is re-refined, reclaimed, burned for energy recovery, or reprocessed.

5) Hazardous waste that is exported to or imported from designated member countries of the Organization for Economic Cooperation and Development (OECD), as defined in Section 722.158(a)(1), for the purpose of recovery is subject to the requirements of 35 Ill. Adm. Code 722-Subpart H if it is subject to either the hazardous waste manifesting requirements of 35 Ill. Adm. Code 722 or the universal waste management standards of 35 Ill. Adm. Code 733.

b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirements under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a) of this Section above.

c) Storage and recycling:

1) Owners or operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of 35 Ill. Adm. Code 702, 703, and 705; 724-Subparts A through I, AA, and BB, and CC; and 725-Subparts A through I, AA, and BB, and CC; 726; 728; and the notification requirement under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a) of this Section above. (The recycling process itself is exempt from regulation, except as provided in subsection (d) of this Section below.)

2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsection (a) of this Section above:

A) Notification requirements under Section 3010 of the Resource Conservation and Recovery Act, 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies), and

C) Subsection (d) of this Section below.

d) Owners or operators of facilities required to have a RCRA permit pursuant to 35 Ill. Adm. Code 703 with hazardous waste management units that recycle hazardous wastes are subject to 35 Ill. Adm. Code 724-Subparts AA and BB and 725-Subparts AA and BB.

(Source: Amended at 22 Ill. Reg. 7, effective

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DEC 1, 1973

SUPPORT D: LISTS OF HAZARDOUS WASTE

Section 721.132 Hazardous Waste From Specific Sources

The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I.

EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
Wood Preservation:		
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.	(T)
Inorganic Pigments:		
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of polyphosphate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of chrome yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)
Organic Chemicals:		
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(T)

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent anionomony catalyst waste from distillation bottoms.	(T)
K022	Distillation bottoms tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R,T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K103	Process residues from aniline extraction from the combined wastewater streams generated from nitrobenzene production.	(T)
K104	Distillation bottoms from the production of chlorobenzene.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C,T)
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(I,T)
K109	Spent filter cartridges from the product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K111	Product wastewaters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propionyl thio-carbamate.)	(T)
K157	Wastewaters (including scrubber waters, condenser washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propionyl n-butylcarbamate.)	(T)
K158	Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propionyl n-butylcarbamate.)	(T)
K159 H360	Organics from the treatment of thiocarbamate wastes. <u>Solids-including-filter-wastes-separation-solids-and-spent-catalysts-from-the-production-of-thiocarbamate-and-solids-from-the-treatment-of-thiocarbamate-wastes.</u>	(T) (T)
K161	Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125 or K126.)	(R,T)
Inorganic Chemicals:		
K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	(T)
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	(T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production.	(T)

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code	EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
	Pesticides:				
K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)	K126	Baghouse dust and floor sweepings in milling and recycling operations from the production of ethylenedisulfocarbamic acid and its salts.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)	K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	(C,T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)	K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	(T)
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	(T)		Explosives:	
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)	K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)
K035	Wastewater treatment sludges generated in the production of cresote.	(T)	K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)	K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)	K047	Pink/red water from TNT operations.	(R)
K038	Wastewater from the washing and stripping of phosphate.	(T)		Petroleum Refining:	
K039	Filter cake from the filtration of diethylphosphorothioic acid in the production of phosphate.	(T)	K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K040	Wastewater treatment sludge from the production of phosphate.	(T)	K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K041	Wastewater treatment sludge from the production of xanthophene.	(T)	K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K098	Untreated process wastewater from the production of heavyends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)	K051	Wastewater separator sludge from the petroleum refining industry.	(T)
K042	Distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)	K052	Tank bottoms (leaded) from the petroleum refining industry.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)		Iron and Steel:	
K099	Untreated wastewater from the production of 2,4-D.	(T)	K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K123	Process wastewater (including supernates, filtrates and washwaters) from the production of ethylenedisulfocarbamic acid and its salts.	(T)	K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110).	(C,T)
K124	Reactor vent scrubber water from the production of ethylenedisulfocarbamic acid and its salts.	(C,T)			
K125	Filtration, evaporation and centrifugation solids from the production of ethylenedisulfocarbamic acid and its salts.	(T)			

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code	Secondary Lead:	
			Emission control dust/sludge from secondary lead smelting.	BOARD NOTE: This listing is administratively stayed for sludge generated from secondary acid scrubber systems. The stay will remain in effect until this note is removed.
K069	Acid plant blowdown slurry or sludge resulting from the thickening of blowdown slurry from primary copper production.	(T)	K069	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.
K065	Surface impoundments solids contained in and dredged from surface impoundments at primary lead smelting facilities.	(T)	K100	Veterinary Pharmaceuticals:
K066	Sludge from treatment of process wastewater or acid plant blowdown from primary zinc production.	(T)	K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
	BOARD NOTE: This waste listing is the subject of a judicial remand in American Mining Congress v. EPA, 907 F.2d 1179 (D.D.C. 1990). The Board intends that this listing not become enforceable in Illinois until the first date upon which the Board RCRA program becomes "not equivalent to the Federal program", within the meaning of Section 3006(b) of the RCRA Act, 42 U.S.C. 6926(b), the Board RCRA rules become "less stringent" than the USEPA rules, as this phrase is used in Section 3009, 42 U.S.C. 6929, or the Board RCRA rules are not "identical in substance" with the federal rules as that term is intended by 415 ILCS 5/7.2 and 22.4 as a result of some action by USEPA with regard to this listing in response to the American Mining Congress remand.	(T)	K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
		(T)	K102	Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
		(T)	K086	Ink Formulation:
		(T)		Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, dyes, driers, soaps and stabilizers containing chromium and lead.
		(T)		Coking:
K088	Spent potliners from primary aluminum reduction.	(T)	K060	Ammonia still lime sludge from coking operations.
		(T)	K087	Decanter tank tar sludge from coking operations.
		(T)	K141	Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations).
K090	Emission control dust or sludge from ferrochromium production.	(T)		
K091	Emission control dust or sludge from ferrochromium production.	(T)		

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code	Primary Lead:	
			Primary Copper:	Primary Zinc:
K064	Acid plant blowdown slurry or sludge resulting from the thickening of blowdown slurry from primary copper production.	(T)		Sludge from treatment of process wastewater or acid plant blowdown from primary zinc production.
K065	Surface impoundments solids contained in and dredged from surface impoundments at primary lead smelting facilities.	(T)		BOARD NOTE: This waste listing is the subject of a judicial remand in American Mining Congress v. EPA, 907 F.2d 1179 (D.D.C. 1990). The Board intends that this listing not become enforceable in Illinois until the first date upon which the Board RCRA program becomes "not equivalent to the Federal program", within the meaning of Section 3006(b) of the RCRA Act, 42 U.S.C. 6926(b), the Board RCRA rules become "less stringent" than the USEPA rules, as this phrase is used in Section 3009, 42 U.S.C. 6929, or the Board RCRA rules are not "identical in substance" with the federal rules as that term is intended by 415 ILCS 5/7.2 and 22.4 as a result of some action by USEPA with regard to this listing in response to the American Mining Congress remand.
K088	Spent potliners from primary aluminum reduction.	(T)		Primary Aluminum
		(T)		Ferroalloys:
K090	Emission control dust or sludge from ferrochromium production.	(T)		
K091	Emission control dust or sludge from ferrochromium production.	(T)		

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K142	Tar storage tank residues from the production of coke from coal from the recovery of coke by-products including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.	(T)
K143	Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.	(T)
K144	Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.	(T)
K145	Tar storage tank residues from coal tar refining.	(T)
K146	Residues from coal tar distillation, including but not limited to, still bottoms.	(T)
K147	Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.)	(T)
K148	Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)
K149	Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)

(Source: Amended at 22 Ill. Reg.

effective

Section 721.133 Discarded Commercial Chemical Products, Off-Specification Species, Containers Residues, and Spill Residues Thereof

The following materials or items are hazardous wastes if and when they are

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discarded or intended to be discarded as described in Section 721.102(a)(2)(A), when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment, when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to land in lieu of their original intended use, or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

- Any commercial chemical product, or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section below.
- Any off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in subsection (e) or (f) of this Section below.
- Any residue remaining in a container or inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section below, unless the container is empty as defined in Section 721.107(b)(3).

BOARD NOTE: Unless the residue is being beneficially used or reused, or legitimately recycled or reclaimed, or being accumulated, stored, transported, or treated prior to such use, reuser, recycling, or reclamation, the Board considers the residue to be intended for discard, and thus hazardous waste. Examples of legitimate reuse are: the drum would be used to hold the residue in the container, and the container would be used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner that reconditions the drum but discards the residue.

- Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section below, or any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water, of any off-specification commercial product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in subsection (e) or (f) of this Section below.

BOARD NOTE: The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in..." refers to a chemical substance that is manufactured or formulated for commercial use, or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in subsection (e) or (f) of this Section below. Where a manufacturing process waste is deemed to be a hazardous waste because

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it contains a substance listed in subsection (e) or (f) of this Section below, such waste will be listed in either Sections 721.131 or 721.132 or will be identified as a hazardous waste by the characteristics set forth in Subpart C.

- e) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in subsections (a) through (d) of this Section above, are identified as acute hazardous waste (H) and are subject to the small quantity exclusion defined in Section 721.105(e). These wastes and their corresponding USEPA BPA Hazardous Waste Numbers are:

BOARD NOTE: For the convenience of the regulated community the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). The absence of a letter indicates that the compound only is listed for acute toxicity.

Hazardous Waste No.	Chemical Abstracts	Substance
P023	107-20-0	Acetaldehyde, chloro-
P022	591-08-2	Acetamide, N-(aminothioxomethyl)-
P057	640-19-7	Acetamide, 2-fluoro-
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P070	116-06-3	Aldicarb
P203	1646-88-4	Aldicarb sulfone
P004	309-00-2	Aldrin
P005	107-18-6	Allyl alcohol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P008	504-24-5	4-Aminopyridine
P009	131-74-8	Ammonium picrate (R)
P119	7803-55-6	Ammonium vanadate
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium
P010	7778-39-4	Arsenic acid H ₃ AsO ₄ [1014]
P012	1327-53-3	Arsenic oxide As ₂ O ₃ [1013]
P011	1303-28-2	Arsenic oxide As ₂ O ₅ [1015]
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic trioxide
P038	692-42-2	Arsine, diethyl-
P036	696-28-6	Arsinous dichloride, phenyl-
P054	151-56-4	Aziridine
P067	75-55-8	Aziridine, 2-methyl
P013	542-62-1	Barium cyanide
P024	106-47-8	Benzenamine, 4-chloro-

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Hazardous Waste No.	Chemical Abstracts	Substance
P077	100-01-6	Benzenamine, 4-nitro-
P028	100-44-7	Benzene, (chloromethyl)-
P042	51-43-4	1,2-Benzenediol, 4-[(1-hydroxy-2-(methylamino)ethyl)-, (R)-
P046	122-09-8	Benzenehexamine, alpha, alpha-dimethyl-
P014	108-98-5	Benzeneethiol
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,4,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1)
P001	81-81-2*	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3%
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium powder
P017	598-31-2	Bromacetone
P018	357-57-3	Brucine
P045	39196-18-4	2-Butanone, 3,3-dimethyl-1-(methylthio)-, 0-[(methylamino)carbonyl] oxime
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide Ca(CN) ₂ [2]
P189	55285-14-8	Carbamic acid, [(dibutylamino)- thio]-methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P191	644-64-4	Carbamic acid, dimethyl-, 1-[(dimethyl-amino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P127	1563-66-2	Carbifuran
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P189	55285-14-8	Carbosulfan
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(O-Chlorophenyl)thiourea

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Hazardous Waste No.	Chemical Abstracts No.	Substance
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanides
P029	544-92-3	Copper cyanide CuCN
P202	64-00-6	m-Cumenyl methycarbamate
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride CNCl
P033	136-74-4	Cyanogen chloride
P034	136-74-4	Dicyclohexyl-4,6-dinitrophenol
P036	542-88-3	Dichloromethyl ether
P036	696-28-6	Dichlorodiphenylarsine
P037	60-57-1	Diethylarsine
P038	692-42-2	Diethyl-p-nitrophenyl phosphate
P041	311-45-5	O,O-Diethyl phosphorothioate
P040	297-97-2	O-pyrazinyl
P043	55-91-4	Disopropylfluorophosphate (DFP)
P131	644-64-4	Dimetilan
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-
		hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha, 4alpha, 4beta, 5alpha, 8alpha, 8beta)-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-
		hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha, 4alpha, 4beta, 5beta, 8beta, 8beta)-
P037	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirane, 3,4,5,6,9,9-
		hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1alpha, 3beta, 2alpha, 3beta, 6beta, 6alpha, 7beta, 7alpha)-
P051	72-20-8*	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-
		hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1alpha, 3beta, 2alpha, 3beta, 6beta, 6alpha, 7beta, 7alpha)-
P044	60-51-	Dimethoate
P046	122-09-8	alpha, alpha-Dimethylphenethylamine
P047	534-52-1*	4,6-Dinitro-o-cresol and salts

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Hazardous Waste No.	Chemical Abstracts No.	Substance
P048	51-28-5	2,4-Dinitrophenol
P020	88-85-7	Dinoseb
P085	152-16-9	Diphosphoramide, octamethyl-
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P039	298-04-4	Disulfoton
P043	311-33-7	Dithiobuturic acid
P049	199-081-9	1,9-Dithiofuran-2-carboxaldehyde, 2,4-
P185	26419-73-8	dimethyl-, O-[(methylamino)-carbonyl]-oxime
		Endosulfan
P050	115-29-7	Endothall
P088	145-73-3	Endrin
P051	72-20-8	Endrin, and metabolites
P051	72-20-8	Endrin, and metabolites
P042	51-43-4	Epinephrine
P031	460-19-5	Ethanedinitrile
P194	23135-22-0	Ethanimidothioc acid, 2-(dimethylamino)-
		N-[[[(methylamino)carbonyl]oxy]-2-oxo-, methyl ester
P066	16752-77-5	Ethanimidothioc acid, N-[[[(methylamino)carbonyl]oxy]-, methyl ester
		Ethyl cyanide
P101	107-12-0	Ethylamine
P054	151-56-4	Famphur
P097	52-85-7	Fluorine
P056	7782-41-4	Fluoroacetamide
P057	640-19-7	Fluoroacetic acid, sodium salt
P058	62-74-8	Formetanate hydrochloride
P198	23422-53-9	Formaranate
P197	17702-57-7	Fulminic acid, mercury (2+) salt (R, F)
P065	628-86-4	Heptachlor
P059	76-44-8	Hexaethyl tetraphosphate
P062	757-38-4	Hydrazinecarbothioamide
P116	59-13-6	Hydrazine, methyl-
P063	60-34-4	Hydrocyanic acid
P063	74-90-8	Hydrocyanic acid
P063	74-90-8	Hydrocyanic acid
P096	7803-51-2	Hydrogen phosphide
P060	465-73-6	Isodrin
P192	119-38-0	Isolan
P022	64-00-6	3-Isopropylphenyl-N-methylcarbamate
P007	2763-96-4	3(2H)-Isoxazalone, 5-(aminomethyl)-
P196	15339-36-3	Manganese, bis(dimethylcarbamodithioato-

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Hazardous Waste No.	Chemical Abstracts No.	Substance
P196	15339-36-3	S,S')-
P092	62-38-4	Manganese dimethyldithiocarbamate
P065	628-86-4	Mecirif, (acetato-O)phenyl-
P082	628-86-4	Mecirif, fulminate (R,T)
P064	624-83-9	Methanamine, N-methyl-N-nitroso-
P016	542-98-1	Methane, isocyanato-
P112	509-14-8	Methane, oxybis(chloro)-
P118	75-70-7	Methane, tetraniro- (R)
P198	23422-53-9	Methanethiol, trichloro-
		Methanimidamide, N,N-dimethyl-N'-[3-((methylamino)-carbonyloxy)phenyl]-, monohydrochloride
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-(((methylamino)carbonyloxy)-phenyl)-
P199	2032-65-7	Methiocarb
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-
		hexachloro-1,5,5a,6,9a-hexahydro-, 3-oxide
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-
		3a,4,7,7a-tetrahydro-
P066	16752-77-5	Methomyl
P068	60-34-4	Methyl hydrazine
P064	624-83-9	Methyl isocyanate
P069	75-86-5	2-Methylacetonitrile
P071	298-00-0	Methyl parathion
P190	1129-41-5	Metolcarb
P129	315-8-4	Mexacarbate
P072	86-88-4	alpha-Naphthylthiourea
P073	13463-39-3	Nickel carbonyl
P073	13463-39-3	Nickel carbonyl NiCO(4), (T-4)-
P074	557-19-7	Nickel cyanide
P074	557-19-7	Nickel cyanide Ni(CN)[2]
P075	54-11-5*	Nicotine, and salts
P076	10102-43-9	Nitric oxide
P077	100-01-6	p-Nitroaniline
P078	10102-44-0	Nitrogen dioxide
P076	10102-43-9	Nitrogen oxide NO
P078	10102-44-0	Nitrogen oxide NO[2]
P081	55-63-0	Nitroglycerine (R)
P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine

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Hazardous Waste No.	Chemical Abstracts No.	Substance
P085	152-16-9	Octamethylpyrophosphoramide
P087	20816-12-0	Osmium oxide O(s)[O(4), (T-4)-
P087	20816-12-0	Osmium tetroxide
P088	145-73-3	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
P194	23135-22-0	Oxamyl
P089	56-38-2	Parathion
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)
P199	2032-65-7	Phenol, {3,5-dimethyl-4-(methylthio)-, methylcarbamate
P048	51-28-5	Phenol, 2,4-dinitro-
P047	534-52-1*	Phenol, 2-methyl-4,6-dinitro-, and salts
P202	64-00-6	Phenol, 3-(1-methylthio)-, methylcarbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylthio)-
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P094	298-02-2	Phorate
P095	75-44-5	Phosgene
P096	7803-51-2	Phosphine
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P039	298-04-4	Phosphorodithioic acid, 0,0-diethyl S-[2-(ethylthio)ethyl] ester
P094	298-02-2	Phosphorodithioic acid, 0,0-diethyl S-[(ethylthio)methyl] ester
P044	60-51-5	Phosphorodithioic acid, 0,0-dimethyl S-[2-(methylamino)-2-oxoethyl] ester
P043	53-91-4	Phosphorofluoric acid, bis(1-methylthio)ester
P089	56-38-2	Phosphorothioic acid, 0,0-diethyl
P040	297-97-2	O(4-nitrophenyl) ester
P097	52-85-7	Phosphorothioic acid, 0,0-diethyl O-pyrazinyl ester

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Hazardous Waste No.	Chemical Abstracts No.	Substance
P071	298-00-0	0-(4-[(dimethylamino)sulfonyl]phenyl) 0,0-dimethyl ester phosphorothioic acid, 0,0-dimethyl 0-(4-nitrophenyl) ester
P204	57-47-6	Physostigmine
P188	57-64-7	Physostigmine salicylate
P110	78-00-2	Plumbane, tetraethyl-
P098	151-50-8	potassium cyanide
P098	151-50-8	potassium cyanide KCN
P099	506-61-6	potassium silver cyanide
P201	2631-37-0	Promecarb
P203	1646-88-4	Propanal,
		2-methyl-2-(methyl-sulfonyl)-, O-((methylamino)carbonyl) oxime
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-((methylamino) carbonyl) oxime
P101	107-12-0	Propanenitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P069	75-66-5	Propanenitrile, 2-hydroxy-2-methyl-
P081	55-53-0	1,2,3-Propanetriol, trinitrate- (R)
P017	598-31-2	2-Propanone, 1-bromo-
P102	107-19-7	Propargyl alcohol
P003	107-02-8	2-Propanol
P025	107-02-8	2-Propanol
P102	107-19-7	1,2-Propanediol
P102	107-19-7	2-Propanol
P008	504-24-5	4-Pyridamine
P075	54-11-5*	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)- and salts
P204	57-47-6	Pyrylo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methyl-carbamate (ester), (3aS-cis)-
P114	12039-52-0	Selenious acid, dithallium (1+) salt
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide AgCN
P105	26528-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide NaCN
P108	57-24-9*	Strychnidin-10-one, and salts
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-

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Hazardous Waste No.	Chemical Abstracts No.	Substance
P108	57-24-9*	Strychnine and salts
P115	7446-18-6	Sulfuric acid,dithallium (1+) salt
P109	3689-24-5	Tetraethyldithiopyrophosphate
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Tetraethylpyrophosphate
P112	509-14-8	Tetranitromethane (R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P113	1314-32-5	Thallium oxide
P113	1314-32-5	Thallium oxide Tl ₂ O[3]
P114	12039-52-0	Thallium (I) selenite
P115	7446-18-6	Thallium (I) sulfate
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester
P045	39196-18-4	Thiofanox
P049	541-53-7	Thioimidocarbonic diamide [H ₂ C(NC(S)) ₂][2]NH
P014	108-98-5	Thiophenol
P116	79-19-6	Thiosemicarbazide
P036	5344-82-3	Thiourea, 1-(chlorophenyl)-
P072	86-88-4	Thiourea, 1-naphthalenyl-
P093	103-85-5	Thiourea, phenyl-
P123	8001-35-2	Toxaphene
P185	26419-73-8	Tirpate
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V ₂ O ₅ [5]
P120	1314-62-1	Vanadium pentoxide
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-
P001	81-81-2*	Warfarin, and salts, when present at concentrations greater than 0.3%
P121	557-21-1	zinc cyanide
P121	557-21-1	zinc cyanide Zn(CN) ₂ [2]
P205	137-30-4	zinc, bis(dimethylcarbamodithioato-S,S')
P122	1314-84-7	zinc phosphide Zn ₃ P ₂ (2), when present at concentrations greater than 10% (R/T)
P205	137-30-4	Ziram

Board Note: An asterisk (*) following the CAS number indicates that the CAS number is given for the parent compound only.

f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in subsections (a) through (d) of this Section above, are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity exclusion defined in Section 721.103(a)

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and (g). These wastes and their corresponding USEPA BPA Hazardous Waste Numbers are:
 BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (toxicity), R (reactivity), I (ignitability), and C (corrosivity). The absence of a letter indicates that the compound is only listed for toxicity.

Hazardous Waste No.	Chemical Abstracts No.	Substance
U394	30559-43-1	A2213
U395	2212-67-1	H-Acetoxy-1-carboethoxy-acid he-hydroxy-5-ethyl-ester
U001	75-07-0	Acetaldehyde (I)
U034	75-87-6	Acetaldehyde, trichloro-
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-
U005	53-96-3	Acetamide, N-9H-fluorene-2-yl-
U240	P94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters
U112	141-78-6	Acetic acid, ethyl ester (I)
U144	301-04-2	Acetic acid, lead (2+) salt
U214	563-68-8	Acetic acid, thallium(1+) salt
See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
U002	67-64-1	Acetone (I)
U003	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone
U005	53-96-3	2-Acetylaminofluorene
U006	75-36-5	Acetyl chloride (C.R.T)
U007	79-06-1	Acrylamide
U008	79-10-7	Acrylic acid (I)
U009	107-13-1	Acrylonitrile
U011	61-82-5	Amitrole
U012	62-53-3	Aniline (I,T)
U136	75-60-5	Arsinic acid, dimethyl-
U014	492-80-8	Auramine
U015	115-02-6	Azaserine
U010	50-07-7	Azirino[2',3':3,4]pyrrolo[1,2-a] indole-4,7-dione,
		6-amino-8-[[[aminocarbonyl]oxy]methyl]-1,1a,2,8,8a-hexahydro-8a-methoxy-5-methyl-, [1a-S-(1alpha,8beta,8alpha,8beta)]-
U280	101-27-9	Barban
U278	22781-23-3	Bendiocarb

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Hazardous Waste No.	Chemical Abstracts No.	Substance
U364	22961-82-6	Bendiocarb phenol
U271	17804-35-2	Benzoyl
U157	56-49-5	Benz[1]jaceanthrylene, 1,2-dihydro-3-methyl-
U016	225-51-4	Benz(c)acridine
U017	98-87-3	Benzal chloride
U192	23950-58-5	Benamide,
U018	56-55-3	3,5-dichloro-N-(1,1-dimethyl-2-propenyl)-Benz(a)anthracene,
U094	57-97-6	7,12-dimethyl-
U012	62-53-3	Benzenamine (I,T)
U014	492-80-8	Benzenamine, 4,4'- carbonimidoylbis [N,N-dimethyl-
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U093	60-11-7	Benzenamine,
U328	95-53-4	N,N-dimethyl-4-(phenylazo)-Benzenamine, 2-methyl-
U353	106-49-0	Benzenamine, 4-methyl-
U158	101-14-4	Benzenamine,
U222	636-21-5	methylenebis(2-chloro-Benzenamine, 2-methyl-, hydrochloride
U181	99-55-8	Benzenamine, 2-methyl-5-nitro
U019	71-43-2	Benzene (I,T)
U038	510-15-6	Benzenecacetic acid, 4-chloro-alpha-(4-chlorophenyl)- alpha-hydroxy-, ethyl ester
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-
U035	305-03-3	Benzenebutanoic acid, 4-[[bis(2-chloroethyl)amino]-Benzenene, chloro-
U037	108-90-7	Benzenediamine, ar-methyl-
U221	25376-45-8	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
U028	117-81-7	1,2-Benzenedicarboxylic acid, dibutyl ester
U069	84-74-2	1,2-Benzenedicarboxylic acid, diethyl ester
U088	84-66-2	1,2-Benzenedicarboxylic acid, dimethyl ester
U102	131-11-3	1,2-Benzenedicarboxylic acid, diethyl ester
U107	117-84-0	1,2-Benzenedicarboxylic acid, diethyl ester
U070	95-50-1	Benzene, 1,2-dichloro-

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Hazardous Waste No.	Chemical Abstracts No.	Substance
U071	541-72-1	Benzene, 1,3-dichloro-
U072	106-46-7	Benzene, 1,4-dichloro-
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene) bis(4-chloro-
U017	98-87-3	Benzene, (dichloromethyl)-
U023	26471-62-5	Benzene, 1,3-diisocyanatomethyl- (R,T)
U039	1330-20-7	Benzene, dimethyl- (1,T)
U021	108-46-3	1,3-Benzenediol
U127	118-74-1	Benzene, hexachloro-
U056	110-82-7	Benzene, hexahydro-(1)
U020	108-88-3	Benzene, methyl-
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-
U055	98-82-8	Benzene, (1-methylethyl)- (I)
U169	98-95-3	Benzene, nitro-
U183	608-93-5	Benzene, pentachloro-
U185	82-68-8	Benzene, pentachloronitro-
U020	98-09-9	Benzenesulfonic acid chloride (C,R)
U020	98-09-9	Benzenesulfonyl chloride (C,R)
U027	95-94-3	Benzene, 1,2,4,5-tetrachloro-
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)
U247	72-43-5	Bis(4-chloro-
U023	98-07-7	Bis(4-methoxy-
U034	95-56-4	Benzene, (trichloromethyl)-
U021	95-97-5	Benzene, 1,3,5-trinitro-
U020	981-07-2	Benzene, 1,3,5-trinitro-
U020	981-07-2	1,1-Benzisothiazol-3(2H)-one, 1,1-dioxide, and salts
U020	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-
U090	94-58-6	1,3-Benzodioxole, 5-propyl-
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbanate
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-di-methyl-
U064	180-55-9	Benzo[<i>rst</i>]pentaphene

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Hazardous Waste No.	Chemical Abstracts No.	Substance
U248	P81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations of 0.3% or less
U022	50-32-8	Benz(a)pyrene
U197	106-51-4	p-Benzquinone
U023	98-07-7	Benzotrithione (C,R,T)
U085	1464-53-5	2,2'-Bioxirane
U021	92-87-5	[1,1'-Biphenyl]-4,4'-diamine
U073	91-94-1	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-
U091	119-90-4	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-
U095	119-93-7	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-
U401	97-74-5	Bis(4-methylthiocarbamoyl)-sulfide
U401	140-54-7	Bis(pentamethylenethiuram)-tetrasulfide
U225	101-55-3	Bromoform
U030	175-25-2	4-Bromophenyl phenyl ether
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-
U031	78-93-3	1-Butanol (1,T)
U160	78-93-3	2-Butanol (1,T)
U053	1338-23-4	2-Butanol, peroxide (R,T)
U074	4170-30-3	2-Butenal
U143	764-41-0	2-Butene, 1,4-dichloro- (1,T)
U031	303-34-4	2-Butene, 1,4-dichloro- (1,T)
U031	71-36-3	7-[(2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl]-2,3,5,7a-tetrahydro-1H-pyrolizin-1-yl ester, (1S*,1a,3a,7a,7b,7c,7d,7e,7f,7g,7h,7i,7j,7k,7l,7m,7n,7o,7p,7q,7r,7s,7t,7u,7v,7w,7x,7y,7z,7aa,7ab,7ac,7ad,7ae,7af,7ag,7ah,7ai,7aj,7ak,7al,7am,7an,7ao,7ap,7aq,7ar,7as,7at,7au,7av,7aw,7ax,7ay,7az,7ba,7bb,7bc,7bd,7be,7bf,7bg,7bh,7bi,7bj,7bk,7bl,7bm,7bn,7bo,7bp,7bq,7br,7bs,7bt,7bu,7bv,7bw,7bx,7by,7bz,7ca,7cb,7cc,7cd,7ce,7cf,7cg,7ch,7ci,7cj,7ck,7cl,7cm,7cn,7co,7cp,7cq,7cr,7cs,7ct,7cu,7cv,7cw,7cx,7cy,7cz,7da,7db,7dc,7dd,7de,7df,7dg,7dh,7di,7dj,7dk,7dl,7dm,7dn,7do,7dp,7dq,7dr,7ds,7dt,7du,7dv,7dw,7dx,7dy,7dz,7ea,7eb,7ec,7ed,7ee,7ef,7eg,7eh,7ei,7ej,7ek,7el,7em,7en,7eo,7ep,7eq,7er,7es,7et,7eu,7ev,7ew,7ex,7ey,7ez,7fa,7fb,7fc,7fd,7fe,7ff,7fg,7fh,7fi,7fj,7fk,7fl,7fm,7fn,7fo,7fp,7fq,7fr,7fs,7ft,7fu,7fv,7fw,7fx,7fy,7fz,7ga,7gb,7gc,7gd,7ge,7gf,7gg,7gh,7gi,7gj,7gk,7gl,7gm,7gn,7go,7gp,7gq,7gr,7gs,7gt,7gu,7gv,7gw,7gx,7gy,7gz,7ha,7hb,7hc,7hd,7he,7hf,7hg,7hi,7hj,7hk,7hl,7hm,7hn,7ho,7hp,7hq,7hr,7hs,7ht,7hu,7hv,7hw,7hx,7hy,7hz,7ia,7ib,7ic,7id,7ie,7if,7ig,7ih,7ii,7ij,7ik,7il,7im,7in,7io,7ip,7iq,7ir,7is,7it,7iu,7iv,7iw,7ix,7iy,7iz,7ja,7jb,7jc,7jd,7je,7jf,7jg,7jh,7ji,7jj,7jk,7jl,7jm,7jn,7jo,7jp,7jq,7jr,7js,7jt,7ju,7jv,7jw,7jx,7jy,7jz,7ka,7kb,7kc,7kd,7ke,7kf,7kg,7kh,7ki,7kj,7kk,7kl,7km,7kn,7ko,7kp,7kq,7kr,7ks,7kt,7ku,7kv,7kw,7kx,7ky,7kz,7la,7lb,7lc,7ld,7le,7lf,7lg,7lh,7li,7lj,7lk,7ll,7lm,7ln,7lo,7lp,7lq,7lr,7ls,7lt,7lu,7lv,7lw,7lx,7ly,7lz,7ma,7mb,7mc,7md,7me,7mf,7mg,7mh,7mi,7mj,7mk,7ml,7mm,7mn,7mo,7mp,7mq,7mr,7ms,7mt,7mu,7mv,7mw,7mx,7my,7mz,7na,7nb,7nc,7nd,7ne,7nf,7ng,7nh,7ni,7nj,7nk,7nl,7nm,7nn,7no,7np,7nq,7nr,7ns,7nt,7nu,7nv,7nw,7nx,7ny,7nz,7oa,7ob,7oc,7od,7oe,7of,7og,7oh,7oi,7oj,7ok,7ol,7om,7on,7oo,7op,7oq,7or,7os,7ot,7ou,7ov,7ow,7ox,7oy,7oz,7pa,7pb,7pc,7pd,7pe,7pf,7pg,7ph,7pi,7pj,7pk,7pl,7pm,7pn,7po,7pp,7pq,7pr,7ps,7pt,7pu,7pv,7pw,7px,7py,7pz,7qa,7qb,7qc,7qd,7qe,7qf,7qg,7qh,7qi,7qj,7qk,7ql,7qm,7qn,7qo,7qp,7qq,7qr,7qs,7qt,7qu,7qv,7qw,7qx,7qy,7qz,7ra,7rb,7rc,7rd,7re,7rf,7rg,7rh,7ri,7rj,7rk,7rl,7rm,7rn,7ro,7rp,7rq,7rr,7rs,7rt,7ru,7rv,7rw,7rx,7ry,7rz,7sa,7sb,7sc,7sd,7se,7sf,7sg,7sh,7si,7sj,7sk,7sl,7sm,7sn,7so,7sp,7sq,7sr,7ss,7st,7su,7sv,7sw,7sx,7sy,7sz,7ta,7tb,7tc,7td,7te,7tf,7tg,7th,7ti,7tj,7tk,7tl,7tm,7tn,7to,7tp,7tq,7tr,7ts,7tt,7tu,7tv,7tw,7tx,7ty,7tz,7ua,7ub,7uc,7ud,7ue,7uf,7ug,7uh,7ui,7uj,7uk,7ul,7um,7un,7uo,7up,7uq,7ur,7us,7ut,7uu,7uv,7uw,7ux,7uy,7uz,7va,7vb,7vc,7vd,7ve,7vf,7vg,7vh,7vi,7vj,7vk,7vl,7vm,7vn,7vo,7vp,7vq,7vr,7vs,7vt,7vu,7vv,7vw,7vx,7vy,7vz,7wa,7wb,7wc,7wd,7we,7wf,7wg,7wh,7wi,7wj,7wk,7wl,7wm,7wn,7wo,7wp,7wq,7wr,7ws,7wt,7wu,7wv,7ww,7wx,7wy,7wz,7xa,7xb,7xc,7xd,7xe,7xf,7xg,7xh,7xi,7xj,7xk,7xl,7xm,7xn,7xo,7xp,7xq,7xr,7xs,7xt,7xu,7xv,7xw,7xx,7xy,7xz,7ya,7yb,7yc,7yd,7ye,7yf,7yg,7yh,7yi,7yj,7yk,7yl,7ym,7yn,7yo,7yp,7yq,7yr,7ys,7yt,7yu,7yv,7yw,7yx,7yy,7yz,7za,7zb,7zc,7zd,7ze,7zf,7zg,7zh,7zi,7zj,7zk,7zl,7zm,7zn,7zo,7zp,7zq,7zr,7zs,7zt,7zu,7zv,7zw,7zx,7zy,7zz,7aa,7ab,7ac,7ad,7ae,7af,7ag,7ah,7ai,7aj,7ak,7al,7am,7an,7ao,7ap,7aq,7ar,7as,7at,7au,7av,7aw,7ax,7ay,7az,7ba,7bb,7bc,7bd,7be,7bf,7bg,7bh,7bi,7bj,7bk,7bl,7bm,7bn,7bo,7bp,7bq,7br,7bs,7bt,7bu,7bv,7bw,7bx,7by,7bz,7ca,7cb,7cc,7cd,7ce,7cf,7cg,7ch,7ci,7cj,7ck,7cl,7cm,7cn,7co,7cp,7cq,7cr,7cs,7ct,7cu,7cv,7cw,7cx,7cy,7cz,7da,7db,7dc,7dd,7de,7df,7dg,7dh,7di,7dj,7dk,7dl,7dm,7dn,7do,7dp,7dq,7dr,7ds,7dt,7du,7dv,7dw,7dx,7dy,7dz,7ea,7eb,7ec,7ed,7ee,7ef,7eg,7eh,7ei,7ej,7ek,7el,7em,7en,7eo,7ep,7eq,7er,7es,7et,7eu,7ev,7ew,7ex,7ey,7ez,7fa,7fb,7fc,7fd,7fe,7ff,7fg,7fh,7fi,7fj,7fk,7fl,7fm,7fn,7fo,7fp,7fq,7fr,7fs,7ft,7fu,7fv,7fw,7fx,7fy,7fz,7ga,7gb,7gc,7gd,7ge,7gf,7gg,7gh,7gi,7gj,7gk,7gl,7gm,7gn,7go,7gp,7gq,7gr,7gs,7gt,7gu,7gv,7gw,7gx,7gy,7gz,7ha,7hb,7hc,7hd,7he,7hf,7hg,7hi,7hj,7hk,7hl,7hm,7hn,7ho,7hp,7hq,7hr,7hs,7ht,7hu,7hv,7hw,7hx,7hy,7hz,7ia,7ib,7ic,7id,7ie,7if,7ig,7ih,7ii,7ij,7ik,7il,7im,7in,7io,7ip,7iq,7ir,7is,7it,7iu,7iv,7iw,7ix,7iy,7iz,7ja,7jb,7jc,7jd,7je,7jf,7jg,7jh,7ji,7jj,7jk,7jl,7jm,7jn,7jo,7jp,7jq,7jr,7js,7jt,7ju,7jv,7jw,7jx,7jy,7jz,7ka,7kb,7kc,7kd,7ke,7kf,7kg,7kh,7ki,7kj,7kk,7kl,7km,7kn,7ko,7kp,7kq,7kr,7ks,7kt,7ku,7kv,7kw,7kx,7ky,7kz,7la,7lb,7lc,7ld,7le,7lf,7lg,7lh,7li,7lj,7lk,7ll,7lm,7ln,7lo,7lp,7lq,7lr,7ls,7lt,7lu,7lv,7lw,7lx,7ly,7lz,7ma,7mb,7mc,7md,7me,7mf,7mg,7mh,7mi,7mj,7mk,7ml,7mm,7mn,7mo,7mp,7mq,7mr,7ms,7mt,7mu,7mv,7mw,7mx,7my,7mz,7na,7nb,7nc,7nd,7ne,7nf,7ng,7nh,7ni,7nj,7nk,7nl,7nm,7nn,7no,7np,7nq,7nr,7ns,7nt,7nu,7nv,7nw,7nx,7ny,7nz,7oa,7ob,7oc,7od,7oe,7of,7og,7oh,7oi,7oj,7ok,7ol,7om,7on,7oo,7op,7oq,7or,7os,7ot,7ou,7ov,7ow,7ox,7oy,7oz,7pa,7pb,7pc,7pd,7pe,7pf,7pg,7ph,7pi,7pj,7pk,7pl,7pm,7pn,7po,7pp,7pq,7pr,7ps,7pt,7pu,7pv,7pw,7px,7py,7pz,7qa,7qb,7qc,7qd,7qe,7qf,7qg,7qh,7qi,7qj,7qk,7ql,7qm,7qn,7qo,7qp,7qq,7qr,7qs,7qt,7qu,7qv,7qw,7qx,7qy,7qz,7ra,7rb,7rc,7rd,7re,7rf,7rg,7rh,7ri,7rj,7rk,7rl,7rm,7rn,7ro,7rp,7rq,7rr,7rs,7rt,7ru,7rv,7rw,7rx,7ry,7rz,7sa,7sb,7sc,7sd,7se,7sf,7sg,7sh,7si,7sj,7sk,7sl,7sm,7sn,7so,7sp,7sq,7sr,7ss,7st,7su,7sv,7sw,7sx,7sy,7sz,7ta,7tb,7tc,7td,7te,7tf,7tg,7th,7ti,7tj,7tk,7tl,7tm,7tn,7to,7tp,7tq,7tr,7ts,7tt,7tu,7tv,7tw,7tx,7ty,7tz,7ua,7ub,7uc,7ud,7ue,7uf,7ug,7uh,7ui,7uj,7uk,7ul,7um,7un,7uo,7up,7uq,7ur,7us,7ut,7uu,7uv,7uw,7ux,7uy,7uz,7va,7vb,7vc,7vd,7ve,7vf,7vg,7vh,7vi,7vj,7vk,7vl,7vm,7vn,7vo,7vp,7vq,7vr,7vs,7vt,7vu,7vv,7vw,7vx,7vy,7vz,7wa,7wb,7wc,7wd,7we,7wf,7wg,7wh,7wi,7wj,7wk,7wl,7wm,7wn,7wo,7wp,7wq,7wr,7ws,7wt,7wu,7wv,7ww,7wx,7wy,7wz,7xa,7xb,7xc,7xd,7xe,7xf,7xg,7xh,7xi,7xj,7xk,7xl,7xm,7xn,7xo,7xp,7xq,7xr,7xs,7xt,7xu,7xv,7xw,7xx,7xy,7xz,7ya,7yb,7yc,7yd,7ye,7yf,7yg,7yh,7yi,7yj,7yk,7yl,7ym,7yn,7yo,7yp,7yq,7yr,7ys,7yt,7yu,7yv,7yw,7yx,7yy,7yz,7za,7zb,7zc,7zd,7ze,7zf,7zg,7zh,7zi,7zj,7zk,7zl,7zm,7zn,7zo,7zp,7zq,7zr,7zs,7zt,7zu,7zv,7zw,7zx,7zy,7zz,7aa,7ab,7ac,7ad,7ae,7af,7ag,7ah,7ai,7aj,7ak,7al,7am,7an,7ao,7ap,7aq,7ar,7as,7at,7au,7av,7aw,7ax,7ay,7az,7ba,7bb,7bc,7bd,7be,7bf,7bg,7bh,7bi,7bj,7bk,7bl,7bm,7bn,7bo,7bp,7bq,7br,7bs,7bt,7bu,7bv,7bw,7bx,7by,7bz,7ca,7cb,7cc,7cd,7ce,7cf,7cg,7ch,7ci,7cj,7ck,7cl,7cm,7cn,7co,7cp,7cq,7cr,7cs,7ct,7cu,7cv,7cw,7cx,7cy,7cz,7da,7db,7dc,7dd,7de,7df,7dg,7dh,7di,7dj,7dk,7dl,7dm,7dn,7do,7dp,7dq,7dr,7ds,7dt,7du,7dv,7dw,7dx,7dy,7dz,7ea,7eb,7ec,7ed,7ee,7ef,7eg,7eh,7ei,7ej,7ek,7el,7em,7en,7eo,7ep,7eq,7er,7es,7et,7eu,7ev,7ew,7ex,7ey,7ez,7fa,7fb,7fc,7fd,7fe,7ff,7fg,7fh,7fi,7fj,7fk,7fl,7fm,7fn,7fo,7fp,7fq,7fr,7fs,7ft,7fu,7fv,7fw,7fx,7fy,7fz,7ga,7gb,7gc,7gd,7ge,7gf,7gg,7gh,7gi,7gj,7gk,7gl,7gm,7gn,7go,7gp,7gq,7gr,7gs,7gt,7gu,7gv,7gw,7gx,7gy,7gz,7ha,7hb,7hc,7hd,7he,7hf,7hg,7hi,7hj,7hk,7hl,7hm,7hn,7ho,7hp,7hq,7hr,7hs,7ht,7hu,7hv,7hw,7hx,7hy,7hz,7ia,7ib,7ic,7id,7ie,7if,7ig,7ih,7ii,7ij,7ik,7il,7im,7in,7io,7ip,7iq,7ir,7is,7it,7iu,7iv,7iw,7ix,7iy,7iz,7ja,7jb,7jc,7jd,7je,7jf,7jg,7jh,7ji,7jj,7jk,7jl,7jm,7jn,7jo,7jp,7jq,7jr,7js,7jt,7ju,7jv,7jw,7jx,7jy,7jz,7ka,7kb,7kc,7kd,7ke,7kf,7kg,7kh,7ki,7kj,7kk,7kl,7km,7kn,7ko,7kp,7kq,7kr,7ks,7kt,7ku,7kv,7kw,7kx,7ky,7kz,7la,7lb,7lc,7ld,7le,7lf,7lg,7lh,7li,7lj,7lk,7ll,7lm,7ln,7lo,7lp,7lq,7lr,7ls,7lt,7lu,7lv,7lw,7lx,7ly,7lz,7ma,7mb,7mc,7md,7me,7mf,7mg,7mh,7mi,7mj,7mk,7ml,7mm,7mn,7mo,7mp,7mq,7mr,7ms,7mt,7mu,7mv,7mw,7mx,7my,7mz,7na,7nb,7nc,7nd,7ne,7nf,7ng,7nh,7ni,7nj,7nk,7nl,7nm,7nn,7no,7np,7nq,7nr,7ns,7nt,7nu,7nv,7nw,7nx,7ny,7nz,7oa,7ob,7oc,7od,7oe,7of,7og,7oh,7oi,7oj,7ok,7ol,7om,7on,7oo,7op,7oq,7or,7os,7ot,7ou,7ov,7ow,7ox,7oy,7oz,7pa,7pb,7pc,7pd,7pe,7pf,7pg,7ph,7pi,7pj,7pk,7pl,7pm,7pn,7po,7pp,7pq,7pr,7ps,7pt,7pu,7pv,7pw,7px,7py,7pz,7qa,7qb,7qc,7qd,7qe,7qf,7qg,7qh,7qi,7qj,7qk,7ql,7qm,7qn,7qo,7qp,7qq,7qr,7qs,7qt,7qu,7qv,7qw,7qx,7qy,7qz,7ra,7rb,7rc,7rd,7re,7rf,7rg,7rh,7ri,7rj,7rk,7rl,7rm,7rn,7ro,7rp,7rq,7rr,7rs,7rt,7ru,7rv,7rw,7rx,7ry,7rz,7sa,7sb,7sc,7sd,7se,7sf,7sg,7sh,7si,7sj,7sk,7sl,7sm,7sn,7so,7sp,7sq,7sr,7ss,7st,7su,7sv,7sw,7sx,7sy,7sz,7ta,7tb,7tc,7td,7te,7tf,7tg,7th,7ti,7tj,7tk,7tl,7tm,7tn,7to,7tp,7tq,7tr,7ts,7tt,7tu,7tv,7tw,7tx,7ty,7tz,7ua,7ub,7uc,7ud,7ue,7uf,7ug,7uh,7ui,7uj,7uk,7ul,7um,7un,7uo,7up,7uq,7ur,7us,7ut,7uu,7uv,7uw,7ux,7uy,7uz,7va,7vb,7vc,7vd,7ve,7vf,7vg,7vh,7vi,7vj,7vk,7vl,7vm,7vn,7vo,7vp,7vq,7vr,7vs,7vt,7vu,7vv,7vw,7vx,7vy,7vz,7wa,7wb,7wc,7wd,7we,7wf,7wg,7wh,7wi,7wj,7wk,7wl,7wm,7wn,7wo,7wp,7wq,7wr,7ws,7wt,7wu,7wv,7ww,7wx,7wy,7wz,7xa,7xb,7xc,7xd,7xe,7xf,7xg,7xh,7xi,7xj,7xk,7xl,7xm,7xn,7xo,7xp,7xq,7xr,7xs,7xt,7xu,7xv,7xw,7xx,7xy,7xz,7ya,7yb,7yc,7yd,7ye,7yf,7yg,7yh,7yi,7yj,7yk,7yl,7ym,7yn,7yo,7yp,7yq,7yr,7ys,7yt,7yu,7yv,7yw,7yx,7yy,7yz,7za,7zb,7zc,7zd,7ze,7zf,7zg,7zh,7zi,7zj,7zk,7zl,7zm,7zn,7zo,7zp,7zq,7zr,7zs,7zt,7zu,7zv,7zw,7zx,7zy,7zz,7aa,7ab,7ac,7ad,7ae,7af,7ag,7ah,7ai,7aj,7ak,7al,7am,7an,7ao,7ap,7aq,7ar,7as,7at,7au,7av,7aw,7ax,7ay,7az,7ba,7bb,7bc,7bd,7be,7bf,7bg,7bh,7bi,7bj,7bk,7bl,7bm,7bn,7bo,7bp,7bq,7br,7bs,7bt,7bu,7bv,7bw,7bx,7by,7bz,7ca,7cb,7cc,7cd,7ce,7cf,7cg,7ch,7ci,7cj,7ck,7cl,7cm,7cn,7co,7cp,7cq,7cr,7cs,7ct,7cu,7cv,7cw,7cx,7cy,7cz,7da,7db,7dc,7dd,7de,7df,7dg,7dh,7di,7dj,7dk,7dl,7dm,7dn,7do,7dp,7dq,7dr,7ds,7dt,7du,7dv,7dw,7dx,7dy,7dz,7ea,7eb,7ec,7ed,7ee,7ef,7eg,7eh,7ei,7ej,7ek,7el,7em,7en,7eo,7ep,7eq,7er,7es,7et,7eu,7ev,7ew,7ex,7ey,7ez,7fa,7fb,7fc,7fd,7fe,7ff,7fg,7fh,7fi,7fj,7fk,7fl,7fm,7fn,7fo,7fp,7fq,7fr,7fs,7ft,7fu,7fv,7fw,7fx,7fy,7fz,7ga,7gb,7gc,7gd,7ge,7gf,7gg,7gh,7gi,7gj,7gk,7gl,7gm,7gn,7go,7gp,7gq,7gr,7gs,7gt,7gu,7gv,7gw,7gx,7gy,7gz,7ha,7hb,7hc,7hd,7he,7hf,7hg,7hi,7hj,7hk,7hl,7hm,7hn,7ho,7hp,7hq,7hr,7hs,7ht,7hu,7hv,7hw,7hx,7hy,7hz,7ia,7ib,7ic,7id,7ie,7if,7ig,7ih,7ii,7ij,7ik,7il,7im,7in,7io,7ip,7iq,7ir,7is,7it,7iu,7iv,7iw,7ix,7iy,7iz,7ja,7jb,7jc,7jd,7je,7jf,7jg,7jh,7ji,7jj,7jk,7jl,7jm,7jn,7jo,7jp,7jq,7jr,7js,7jt,7ju,7jv,7jw,7jx,7jy,7jz,7ka,7kb,7kc,7kd,7ke,7kf,7kg,7kh,7ki,7kj,7kk,7kl,7km,7kn,7ko,7kp,7kq,7kr,7ks,7kt,7ku,7kv,7kw,7kx,7ky,7kz,7la,7lb,7lc,7ld,7le,7lf,7lg,7lh,7li,7lj,7lk,7ll,7lm,7ln,7lo,7lp,7lq,7lr,7ls,7lt,7lu,7lv,7lw,7lx,7ly,7lz,7ma,7mb,7mc,7md,7me,7mf,7mg,7mh,7mi,7mj,7mk,7ml,7mm,7mn,7mo,7mp,7mq,7mr,7ms,7mt,7mu,7mv,7mw,7mx,7my,7mz,7na,7nb,7nc,7nd,7ne,7nf,7ng,7nh,7ni,7nj,7nk,7nl,7nm,7nn,7no,7np,7nq,7nr,7ns,7nt,7nu,7nv,7nw,7nx,7ny,7nz,7oa,7ob,7oc,7od,7oe,7of,7og,7oh,7oi,7oj,7ok,7ol,7om,7on,7oo,7op,7oq,7or,7os,7ot,7ou,7ov,7ow,7ox,7oy,7oz,7pa,7pb,7pc,7pd,7pe,7pf,7pg,7ph,7pi,7pj,7pk,7pl,7pm,7pn,7po,7pp,7pq,7pr,7ps,7pt,7pu,7pv,7pw,7px,7py,7pz,7qa,7qb,7qc,7qd,7qe,7qf,7qg,7qh,7qi,7qj,7qk,7ql,7qm,7qn,7qo,7qp,7qq,7qr,7qs,7qt,7qu,7qv,7qw,7qx,7qy,7qz,7ra,7rb,7rc,7rd,7re,7rf,7rg,7rh,7ri,7rj,7rk,7rl,7rm,7rn,7ro,7rp,7rq,7rr,7rs,7rt,7ru,7rv,7rw,7rx,7ry,7rz,7sa,7sb,7sc,7sd,7se,7sf,7sg,7sh,7si,7sj,7sk,7sl,7sm,7sn,7so,7sp,7sq,7sr,7ss,7st,7su,7sv,7sw,7sx,7sy,7sz,7ta,7tb,7tc,7td,7te,7tf,7tg,7th,7ti,7tj,7tk,7tl,7tm,7tn,7to,7tp,7tq,7tr,7ts,7tt,7tu,7tv,7tw,7tx,7ty,7tz,7ua,7ub,7uc,7ud,7ue,7uf,7ug,7uh,7ui,7uj,7uk,7ul,7um,7un,7uo,7up,7uq,7ur,7us,7ut,7uu,7uv,7uw,7ux,7uy,7uz,7va,7vb,7vc,7vd,7ve,7vf,7vg,7vh,7vi,7vj,7vk,7vl,7vm,7vn,7vo,7vp,7vq,7vr,7vs,7vt,7vu,7vv,7vw,7vx,7vy,7vz,7wa,7wb,7wc,7wd,7we,7wf,7wg,7wh,7wi,7wj,7wk,7wl,7wm,7wn,7wo,7wp,7wq,7wr,7ws,7wt,7wu,7wv,7ww,7wx,7wy,7wz,7xa,7xb,7xc,7xd,7xe,7xf,7xg,7xh,7xi,7xj,7xk,7xl,7xm,7xn,7xo,7xp,7xq,7xr,7xs,7xt,7xu,7xv,7xw,7xx,7xy,7xz,7ya,7yb,7yc,7yd,7ye,7yf,7yg,7yh,7yi,7yj,7yk,7yl,7ym,7yn,7yo,7yp,7yq,7yr,7ys,7yt,7yu,7yv,7yw,7yx,7yy,7yz,7za,7zb,7zc,7zd,7ze,7zf,7zg,7zh,7zi,7zj,7zk,7zl,7zm,7zn,7zo,7zp,7zq,7zr,7zs,7zt,7zu,7zv,7zw,7zx,7zy,7zz,7aa,7ab,7ac,7ad,7ae,7af,7ag,7ah,7ai,7aj,7ak,7al,7am,7an,7ao,7ap,7aq,7ar,7as,7at,7au,7av,7aw,7ax,7ay,7az,7ba,7bb,7bc,7bd,7be,7bf,7bg,7bh,7bi,7bj,7bk,7bl,7bm,7bn,7bo,7bp,7bq,7br,7bs,7bt,7bu,7bv,7bw,7bx,7by,7bz,7ca,7cb,7cc,7cd,7ce,7cf,7cg,7ch,7ci,7cj,7ck,7cl,7cm,7cn,7co,7cp,7cq,7cr,7cs,7ct,7cu,7cv,7cw,7cx,7cy,7cz,7da,7db,7dc,7dd,7de,7df,7dg,7dh,7di,7dj,7dk,7dl,7dm,7dn,7do,7dp,7dq,7dr,7ds,7dt,7du,7dv,7dw,7dx,7dy,7dz,7ea,7eb,7ec,7ed,7ee,7ef,7eg,7eh,7ei,7ej,7ek,7el,7em,7en,7eo,7ep,7eq,7er,7es,7et,7eu,7ev,7ew,7ex,7ey,7ez,7fa,7fb,7fc,7fd,7fe,7ff,7fg,7fh,7fi,7fj,7fk,7fl,7fm,7fn,7fo,7fp,7fq,7fr,7fs,7ft,7fu,7fv,7fw,7fx,7fy,7fz,7ga,7gb,7gc,7gd,7ge,7gf,7gg,7gh,7gi,7gj,7gk,7gl,7gm,7gn,7go,7gp,7gq,7gr,7gs,7gt,7gu,7gv,7gw,7gx,7gy,7gz,7ha,7hb,7hc,7hd,7he,7hf,7hg,7hi,7hj,7hk,7hl,7hm,7hn,7ho,7hp,7hq,7hr,7hs,7ht,7hu,7hv,7hw,7hx,7hy,7hz,7ia,7ib,7ic,7id,7ie,7if,7ig,7ih,7ii,7ij,7ik,7il,7im,7in,7io,7ip,7iq,7ir,7is,7it,7iu,7iv,7iw,7ix,7iy,7iz,7ja,7jb,7jc,7jd,7je,7jf,7jg,7jh,7ji,7jj,7jk,7jl,7jm,7jn,7jo,7jp,7jq,7jr,7js,7jt,7ju,7jv,7jw,7jx,7jy,7jz,7ka,7kb,7kc,7kd,7ke,7kf,7kg,7kh,7ki,7kj,7kk,7kl,7km,7kn,7ko,7kp,7kq,7kr,7ks,7kt,7ku,7kv,7kw,7kx,7ky,7kz,7la,7lb,7lc,7ld,7le,7lf,7lg,7lh,7li,7lj,7lk,7ll,7lm,7ln,7lo,7lp,7lq,7lr,7ls,7lt,7lu,7lv,7lw,7lx,7ly

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U375	55466-53-6	Carbamic acid, 3-todo-2-propynyl ester
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U238	51-79-6	Carbamic acid, ethyl ester
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester
U409	23564-05-8	Carbamic acid, (1,2-phenylenebis (iminocarbonothioyl))bis-, dimethyl ester
U097	79-44-7	Carbamic chloride, dimethyl-
U399	136-30-1	Carbamodithioic acid, dibutyl-, sodium salt
U277	95-06-7	Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl-, ester
U381	140-10-5	Carbamodithioic acid, diethyl-, sodium salt
U383	138-03-0	Carbamodithioic acid, dimethyl-, potassium salts
U382	138-04-1	Carbamodithioic acid, dimethyl-, sodium salt
U376	144-34-3	Carbamodithioic acid, dimethyl-, tetra-ethylenesulfide with orthothiobenzenous acid
U114	Pl11-54-6	Carbamodithioic acid, 1,2-ethanedithiol-, salts and esters
U378	51096-20-9	Carbamodithioic acid, thiooxy-methyl-, methyl-, monopotassium salt
U384	137-42-8	Carbamodithioic acid, methyl-, mono-sodium salt
U377	137-43-7	Carbamodithioic acid, methyl-, mono-potassium salt
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl), ester
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-trichloro-2-propenyl), ester
U392	2068-41-5	Carbamethioic acid, bis(2-methyl-propyl)-, S-ethyl-, ester

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U391	1114-71-2	Carbamothioic acid, butylethyl-, S-propyl-, ester
U386	1134-23-2	Carbamothioic acid, cyclohexylethyl-, S-ethyl-, ester
U390	759-94-4	Carbamothioic acid, dipropyl-, S-ethyl-, ester
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl), ester
U385	1959-77-7	Carbamothioic acid, dipropyl-, S-propyl-, ester
U279	63-25-2	Carbaryl
U372	10605-21-7	Carbendazim
U367	1563-38-8	Carbofuran phenol
U215	6533-73-9	Carbonic acid, dithallium (1+) salt
U033	353-50-4	Carbonic difluoride
U156	79-22-1	Carbonochloridic acid, methyl ester (1,1')
U033	353-50-4	Carbon oxyfluoride (R,T)
U211	56-23-5	Carbon tetrachloride
U034	75-87-6	Chloral
U035	305-03-3	Chlorambucil
U036	57-74-9	Chlorane, alpha and gamma isomers
U026	494-03-1	Chloromaphazin
U037	108-90-7	Chlorobenzene
U038	510-15-6	Chlorobenzilate
U039	59-50-7	p-Chloro-m-cresol
U042	110-75-8	2-Chloroethyl vinyl ether
U046	67-66-3	Chloroform
U047	107-30-2	Chloromethyl methyl ether
U048	91-58-7	beta-Chloronaphthalene
U049	25-57-8	o-Chlorophenol
U032	3163-93-3	4-chloro-o-toluidine, hydrochloride
U030	13763-19-0	Chromic acid H2[Cr](O)4, calcium salt
U399	218-01-9	Chrysene
U399	137-25-1	Copper-bis(dimethylcarbamodithioic acid)-bis(dimethylcarbamate)
U391	137-29-1	Cresol
U051	1319-77-3	Cresol (p-Cresylic acid)
U052	4170-70-3	Crotonaldehyde
U053	98-82-8	Cumene
U055	506-68-2	Cyanogen bromide CNBr
U246	134-93-2	Cyclohexadiene-1,4-dione
U386	106-51-4	2,5-Cyclohexadiene-1,4-dione

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U056	110-82-7	Cyclohexane (I)
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (alpha,Zalpha,beta,Zalpha,beta,beta)-
U057	108-94-1	Cyclohexanone
U130	77-47-4	1,3-Cyclohexadiene
U058	50-18-0	1,2,3,4,5,6-hexachloro-
U240	P94-75-7	Cyclophosphamide
U059	20830-81-3	2,4-D, salts and esters
E966	539-74-4	Danumycin
U060	72-54-8	Beromet
U061	50-29-3	DDT
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz(a,h)anthracene
U064	189-55-9	Dibenz(a,i)pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U069	84-74-2	Diethyl phthalate
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	p-Dichlorobenzene
U078	91-94-1	3,3'-Dichlorobenzidine
U073	764-41-0	1,4-Dichloro-2-butene (I,T)
U074	75-71-8	Dichlorodifluoromethane
U075	75-35-4	1,1-Dichloroethylene
U076	156-60-5	1,2-Dichloroethylene
U077	111-44-4	Dichloroethyl ether
U025	108-60-1	Dichloroisopropyl ether
U027	111-91-1	Dichloromethoxy ethane
U084	111-91-1	2,4-Dichlorophenol
U082	87-56-0	2,6-Dichlorophenol
U084	542-75-6	1,2,3,4-Dichloropropane
U085	1464-53-5	1,2,3,4-Dichlorobutane (I,T)
U395	5952-26-1	Diethylene glycol, dicarbonate
U108	123-91-1	1,4-Diethylenesulfoxide
U028	117-81-7	Diethylhexyl phthalate
U086	1615-80-1	N,N-Diethylhydrazine
U087	3288-58-2	0,0-Diethyl S-methyl dithiophosphate
U088	84-66-2	Diethyl phthalate
U089	56-53-1	Diethylstilbestrol
U090	94-58-6	Dihydrosafrole
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U093	60-11-7	p-Dimethylaminoazobenzene

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U094	57-97-6	7,12-Dimethylbenz(a)anthracene
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	alpha, alpha-Dimethylbenzylhydroperoxide (R)
U097	79-44-7	Dimethylcarbamoyl chloride
U098	57-14-7	1,1-Dimethylhydrazine
U099	540-73-8	1,2-Dimethylhydrazine
U101	105-67-9	2,4-Dimethylphenol
U102	131-11-3	Dimethyl phthalate
U103	77-78-1	Dimethyl sulfate
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	Di-n-octyl phthalate
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine
U110	142-84-7	Dipropylamine (I)
U111	621-64-7	Di-n-propylinitrosamine
E403	97-77-8	Disulfiram
U041	106-89-8	Epichlorohydrin
E99	759-94-4	EPPE
U001	75-07-0	Ethanol (I)
U004	121-44-8	Ethanamine, N,N-diethyl-
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-
U155	91-80-5	1,2-Ethanediolamine, N,N-dimethyl-N-(2-pyridinyl)-N-(2-thienyl)-N-(2-thienyl)-
U067	106-93-4	Ethane, 1,1-dichloro-
U076	75-34-3	Ethane, 1,1,2-dichloro-
U077	107-06-2	Ethane, 1,2-dichloro-
U131	67-72-1	Ethane, hexachloro-
U024	111-91-1	Ethane, 1,1,1-trichloro-
U117	60-29-7	Ethane, 1,1-oxybis- (I)
U025	111-44-4	Ethane, 1,1-oxybis[2-chloro-
U184	76-01-7	Ethane, pentachloro-
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-
U218	62-55-5	Ethanethioamide
U219	71-55-6	Ethane, 1,1,1-trichloro-
U226	79-00-5	Ethane, 1,1,2-trichloro-
U410	59669-26-0	Ethanimidethioic acid, N,N'-[thiobis-{methylimino}carbonyloxy]] bis-, dimethyl ester
U394	30559-43-1	Ethanimidethioic acid, 2-(dimethyl-

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U359	110-80-5	aminol-N-hydroxy-2-oxo-methyl ester
U173	1116-54-7	Ethanol, 2-ethoxy-
U395	5952-26-1	Ethanol, 2,2'-(nitrosoamino)bis-
U004	98-86-2	Ethanol, 2,2'-oxybis-, dicarbamate
U043	75-01-4	Ethane, chloro-
U042	110-75-8	Ethane, (2-chloroethoxy)-
U078	75-35-4	Ethene, 1,1-dichloro-
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-
U210	127-18-4	Ethene, tetrachloro-
U228	79-01-6	Ethene, trichloro-
U112	141-78-6	Ethyl acetate (I)
U113	140-88-5	Ethyl acetate (II)
U238	51-79-6	Ethyl carbamate (urethane)
U117	60-29-7	Ethyl ether
U114	Pill-54-6	Ethylenebis dithiocarbamic acid, salts and esters
U067	106-93-4	Ethylene dibromide
U077	107-06-2	Ethylene dichloride
U359	110-80-5	Ethylene glycol monoethyl ether
U115	75-21-8	Ethylene oxide (I,T)
U116	96-45-7	Ethylene thiourea
U076	75-34-3	Ethylene dichloride
U118	97-63-2	Ethyl methacrylate
U119	62-50-0	Ethyl methanesulfonate
U407	14324-55-3	Ethyl nitram
U396	14484-64-3	Perban
U120	206-44-0	Fluoranthene
U122	50-00-0	Formaldehyde
U123	64-18-6	Formic acid (C,T)
U124	110-000-9	Furan (I)
U125	98-01-1	2-Furancarboxaldehyde (I)
U147	108-31-6	2,5-Furandione
U213	109-99-9	Furan, tetrahydro- (I)
U125	98-01-1	Furfural (I)
U124	110-000-9	Furfural (II)
U206	18883-66-4	Glucopyranose, 2- deoxy-2- (3-methyl-3-nitrosoureido)-, D-
U206	18883-66-4	D-Glucose, 2- deoxy-2- [(methylnitrosoamino)- carbonylamino]-
U126	765-34-4	Glycidylaldehyde
U163	70-25-7	Guanidine, N-methyl-N-nitro-N-nitroso-

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Hazardous Waste No.	Chemical Abstracts No.	Substance
U127	118-74-1	Hexachlorobenzene
U128	87-68-3	Hexachlorobutadiene
U130	77-47-4	Hexachlorocyclopentadiene
U131	67-72-1	Hexachloroethane
U132	70-30-4	Hexachlorophene
U243	1888-71-7	Hexachloropropene
U133	302-01-2	Hydrazine (R,T)
U086	1615-80-1	Hydrazine, 1,2-diethyl-
U098	57-14-7	Hydrazine, 1,1-dimethyl-
U099	540-73-8	Hydrazine, 1,2-dimethyl-
U109	122-66-7	Hydrazine, 1,2-diphenyl-
U134	7664-39-3	Hydrofluoric acid (C,T)
U135	7664-39-3	Hydrogen fluoride (C,T)
U135	7783-06-4	Hydrogen sulfide
U135	7783-06-4	Hydroperoxide, 1-methyl-1-phenylethyl-
U135	80-15-9	(R)
U116	96-45-7	2-Imidazolidinethione
U137	193-39-5	Indeno[1,2,3-cd]pyrene
U395	5486-53-6	3-Iodo-2-propyl-N-butylcarbamate
U396	14484-64-3	Iron-tris(dimethylcarbamodithioate-S,S-)
U190	85-44-9	1,3-Isobenzofuranone
U140	78-83-1	Isobutyl alcohol (I,T)
U141	140-58-1	Isosafrole
U142	143-50-0	Kepone
U143	303-34-4	Lasiocarpene
U144	301-04-2	Lead acetate
U146	1335-32-6	Lead, bis(aceto-0)tetrahydroxytri-
U145	7446-27-7	Lead, phosphate
U146	1335-32-6	Lead subacetate
U123	98-02-9	Indane
U123	78-25-7	MNE
U127	108-31-6	Maleic anhydride
U147	123-32-3	Maleic hydrazide
U148	109-77-3	Malonitrile
U149	148-82-3	Melphalan
U150	7439-97-6	Melphalan
U394	1337-42-8	Melphalan
U151	126-98-7	Methacrylonitrile (I,T)
U152	124-40-3	Methanamine, N-methyl- (I)
U092	124-40-3	Methane, bromo-
U045	74-83-9	Methane, chloro- (I,T)
U045	74-87-3	Methane, chloro- (I,T)
U046	107-30-2	Methane, chloromethoxy-

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Hazardous Waste No.	Chemical Abstracts No.	Substance
U068	74-95-3	Methane, dibromo-
U080	75-09-2	Methane, dichloro-
U075	75-71-8	Methane, dichlorodifluoro-
U138	74-88-4	Methane, iodo-
U119	62-50-0	Methanesulfonic acid, ethyl ester
U211	56-23-5	Methane, tetrachloro-
U153	74-93-1	Methanethiol (I,T)
U225	75-25-2	Methane, tribromo-
U044	67-66-3	Methane, trichloro-
U121	75-69-4	Methane, trichlorofluoro-
U036	57-74-9	1,2,4,5,6,7,8-octachloro-2,3,3a,4,7,7a-hexahydro-
U154	67-56-1	Methanol (I)
U155	91-80-5	Methapyrene
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one,
U247	72-43-5	1,1a,3,3a,4,5,5a,5b,6-decachlorooctahydro-methoxychlor
U154	67-56-1	Methyl alcohol (I)
U029	74-83-9	Methyl bromide
U186	504-60-9	1-Methylbutadiene (I)
U045	44-87-3	Methyl chloride (I,T)
U126	73-78-1	Methyl chloroacetate (I,T)
U226	73-55-6	2-Methylpropane
U157	56-49-5	4,4'-Methylenebis(2-chloroaniline)
U158	101-34-4	Methylene bromide
U068	74-95-3	Methylene chloride
U080	75-09-2	Methyl ethyl ketone (MEK) (I,T)
U159	78-93-3	Methyl ethyl ketone peroxide (R,T)
U160	1338-23-4	Methyl iodide
U138	74-88-4	Methyl isobutyl ketone (I)
U161	108-10-1	Methyl methacrylate (I,T)
U162	80-62-6	4-Methyl-2-pentanone (I)
U161	108-10-1	Methylthiouracil
U164	56-04-2	Mitomycin C
U010	50-07-7	Molinate
U965	2212-67-1	5,12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexapyranosyloxy]-
U059	20830-81-3	7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-
U167	134-32-7	1-Naphthalenamine

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Hazardous Waste No.	Chemical Abstracts No.	Substance
U168	91-59-8	2-Naphthalenamine
U026	494-03-1	Naphthalenamine, N,N'-bis(2-chloroethyl)-
U165	91-20-3	Naphthalene
U047	91-58-7	Naphthalene, 2-chloro-
U166	130-15-4	1,4-Naphthalenedione
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-1,1'-biphenyl)-4,4'-diyl] bis(azo)bis[5-amino-4-hydroxy]-, tetrasodium salt
U279	63-25-2	1-Naphthalenol, methylcarbamate
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	alpha-Naphthylamine
U168	91-59-8	beta-Naphthylamine
U217	10102-45-1	Nitric acid, thallium (1+) salt
U159	108-98-3	Nitrobenzene
U170	108-92-7	Nitropropenol
U171	79-46-9	Nitrobenzene (I,T)
U172	924-16-3	2-Nitrosodi-n-butylamine
U173	1116-54-7	N-Nitrosodierthylamine
U174	55-18-5	N-Nitrosodierthylamine
U176	759-73-9	N-Nitroso-N-ethylurea
U177	684-93-5	N-Nitroso-N-methylurea
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopiperidine
U180	930-55-2	N-Nitrosopyridine
U181	99-55-8	5-Nitro-o-toluidine
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U058	50-18-0	2H-1,3,2-Oxaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide
U115	75-21-8	Oxirane (I,T)
U126	765-34-4	Oxirane-carboxaldehyde
U041	106-89-8	Oxirane, (chloromethyl)-
U182	123-63-7	Paraldehyde
U991	114-91-2	Pebutate
U183	608-93-5	Pentachlorobenzene
U184	76-01-7	Pentachloroethane
U185	82-68-8	Pentachloronitrobenzene (PCNB)
See F027	87-86-5	Pentachlorophenol
U161	108-10-1	Pentachlorophenol
U186	504-60-9	Pentachlorophenol, 4-methyl-
U187	62-44-2	1,3-Pentadiene (I)
		Phenacetin

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Hazardous Waste No.	Chemical Abstracts No.	Substance
U188	108-95-2	Phenol
U048	95-57-8	Phenol, 2-chloro-
U039	59-50-7	Phenol, 4-chloro-3-methyl-
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	Phenol, 2,6-dichloro-
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-
U101	105-67-9	Phenol, 2,4-dimethyl-
U052	1319-77-3	Phenol, methyl-
U132	70-30-4	Phenol
U411	114-26-1	2,2'-methylenebis[3,4,6-trichloro-phenol, 2-(1-methylethoxy)-, methyl-carbamate
U170	100-02-7	Phenol, 4-nitro-
See F027	87-86-5	Phenol, pentachloro-
See F027	58-95-4	Phenol, 2,3,4,6-tetrachloro-
See F027	90-35-4	Phenol, 2,4,2-trichloro-
See F027	89-06-2	Phenol, 2,4,6-trichloro-
U150	148-32-3	Phenol, 2,4,6-trichloro-
U145	7446-77-7	4-bis(2-chloroethyl)amino]-phosphoric acid, lead (2+)
U087	3288-58-2	Phosphoric acid, lead (2+)
U189	1314-80-3	Phosphoric acid, lead (2+)
U190	85-44-9	O,O-diethyl S-methyl ester
U191	109-06-8	Phthalic anhydride
U179	100-75-4	Picoline
U409	128-54-7	Piperidine, 1-nitro-
U383	128-93-0	Piperidine, 1-nitro-
U378	51026-28-9	Potassium dimethyldithiocarbamate
U377	1339-41-7	Potassium dimethyldithiocarbamate
U192	23950-58-5	Potassium dimethyldithiocarbamate
U194	107-10-8	Potassium dimethyldithiocarbamate
U111	621-64-7	1-Propanamine (I,T)
U110	142-84-7	1-Propanamine, N-nitroso-N-propyl-
U066	96-12-8	1-Propanamine, N-propyl- (I)
U083	78-87-5	Propane, 1,2-dibromo-3-chloro-
U149	109-77-3	Propane, 1,2-dichloro-
U171	79-46-9	Propanedinitrile
U077	108-60-1	Propane, 2-nitro- (I,T)
See F027	93-72-1	Propane, 2,2'-oxybis[2-chloro-phenolic acid, 2-(2,4,5-trichlorophenoxy)-]

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Hazardous Waste No.	Chemical Abstracts No.	Substance
U193	1120-71-4	1,3-Propane sultone
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)
U140	78-83-1	1-Propanol, 2-methyl- (I,T)
U002	67-64-1	2-Propanone (I)
U007	79-06-01	2-Propanamide
U084	542-75-6	1-Propene, 1,1-dichloro-
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	107-13-1	2-Propenenitrile
U052	126-98-7	2-Propenenitrile, 2-methyl- (I,T)
U008	79-10-7	2-Propenenitrile, 2-methyl- (I,T)
U113	140-88-5	2-Propenoic acid, ethyl ester (I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester (I,T)
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester (I,T)
U373	122-42-9	Propylamine
U411	114-56-1	Propylamine
See F027	93-72-1	Propylamine
U194	107-10-8	2-(4,4,5-trichlorophenoxy)-propylamine
U083	78-87-5	2-(4,4,5-trichlorophenoxy)-propylamine
U387	52888-80-9	2-(4,4,5-trichlorophenoxy)-propylamine
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U196	110-86-1	Pyridine
U191	109-06-8	Pyridine, 2-methyl-
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-
U164	58-04-2	4-(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
U180	930-55-2	Pyrolidine, 1-nitroso-
U200	50-55-5	Reserpine
U201	108-46-3	Resorcinol
U202	P81-07-2	Saccharin and salts
U203	94-59-7	Safrole
U204	7783-00-8	Selenious acid
U205	7783-00-8	Selenium dioxide
U204	7488-56-4	Selenium sulfide
U205	7488-56-4	Selenium sulfide
U376	144-34-3	Selenium-tetrakisdimethyldithiocarbamate
U015	115-02-6	L-Serine, diazoacetate (ester)
See F027	93-72-1	Silvex (2,4,5-TP)
U379	136-38-1	Sodium-dibutyldithiocarbamate

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Hazardous Waste No.	Chemical Abstracts No.	Substance
9391	140-18-5	Sodium-diethylthiocarbamate
9392	130-04-1	Sodium-diethylthiocarbamate
9393	19893-66-2	Sulphoacetic acid
9397	95-06-7	Sulphate
9398	77-78-1	Sulphuric acid, dimethyl ester
9399	1314-80-3	Sulfur phosphide (R)
See 7027	93-76-5	2,4,5-T
9402	1634-09-3	Tetrachloroethylene-dissulfide
9403	95-94-3	1,2,4,5-Tetrachlorobenzene
9407	630-20-6	1,1,1,2-Tetrachloroethane
9408	79-34-5	1,1,1,2-Tetrachloroethane
9409	127-18-4	Tetrachloroethylene
9410	58-90-2	2,3,4,6-Tetrachlorophenol
See 7027	109-99-3	Tetrachloroethane (I)
9411	97-74-5	Tetramethylthiourea
9412	533-74-4	2H-3,5-Thiadiazine
9413	563-68-8	2-Thione-tetrahydro-3,5-dimethyl- thiazine (I) acetate
9414	6533-73-9	Thallium (I) carbonate
9415	7791-12-0	Thallium (I) chloride
9416	7791-12-0	Thallium chloride TlCl
9417	10102-45-1	Thallium (I) nitrate
9418	62-55-5	Thioacetamide
9419	59669-26-0	Thiodiacarb
9420	74-93-1	Thiomethanol (I,T)
9421	1634-02-2	Thiooxydicarbonic diimide
9422	97-77-8	Tetraphenyl
9423	137-26-8	Tetraphenyl
9424	23564-03-8	Thiooxydicarbonic diimide ([H2N(C(S))2(S)2], tetramethyl- thiophosphate-methyl
9425	62-56-6	Thiourea
9426	137-26-8	Thiourea
9427	108-88-3	Toluene
9428	25376-45-8	Toluenediamine
9429	26471-62-5	Toluene diisocyanate (R,T)
9430	95-51-4	O-Toluidine
9431	106-49-0	p-Toluidine
9432	636-21-5	O-Toluidine hydrochloride
9433	2303-17-5	Triallate
9434	61-82-5	1,1,2-Trichloroethane
9435	79-00-5	1,1,2-Triazolo-3-amine
9436	79-01-6	Trichloroethylene

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Hazardous Waste No.	Chemical Abstracts No.	Substance
U021	75-69-4	Trichloromono-fluoromethane
See F027	95-95-4	2,4,5-Trichlorophenol
See F027	88-06-2	2,4,6-Trichlorophenol
U004	121-44-8	Triethylamine
U004	99-35-4	1,3,5-Trinitrobenzene (R,T)
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-
U004	126-72-7	Tris(2,3-dibromopropyl) phosphate
U026	72-57-1	Trypan blue
U0237	66-75-1	Uracil mustard
U176	759-73-9	Urea, N-methyl-N-nitroso-
U177	684-93-5	Urea, N-methyl-N-nitroso-
#B#85	#999-77-7	Vermorel
U043	75-01-4	Vinyl chloride
U0248	P81-81-2	warfarin, and salts, when present at concentrations of 0.3% or less
U0239	1330-20-7	Xylene (I)
U0200	50-55-5	Yohimbene-16-carboxylic acid, [(3,4,5-trimethoxybenzoyloxy)-, methyl ester,
U0407	#4324-56-±	(beta,16beta,17alpha,18beta,20alpha)- 8-hydroxy-8-isopropyl-8-methyl-8-oxo-8-phenanthrene-2-carboxylic acid
U0249	1314-84-7	Zinc phosphide Zn[3P]2, when present at concentrations of 10% or less
e: Amended at 11/1/82		Ill. Reg. <u>✓</u> , effective 11/1/82

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED AMENDMENTS

Section 721. APPENDIX II Hazardous Constituents

Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
A2213	Ethanedisulfonic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester	30559-43-1	U394
Acetonitrile	Same	75-05-8	U003
Acetophenone	Ethanone, 1-phenyl-	98-96-2	U004
2-Acetylaminofluorene	Acetamide, N-	53-96-3	U005
Acetyl chloride	9H-fluoren-2-yl-	75-36-5	U006
1-Acetyl-2-thiourea	Acetamide,	591-08-2	P002
Acrolein	N-(aminothioxomethyl)-2-propenal	107-02-8	P003
Acrylamide	2-Propenamide	79-06-1	U007
Acrylonitrile	2-Propenenitrile	107-13-1	U009
Aflatoxins	Same	1402-68-2	
Aldicarb	Propanal,	116-06-3	P070
	2-methyl-2-(methylthio)-, 0-[(methylamino)carbonyl] oxime		
Aldicarb sulfone	Propanal, 2-methyl-2-(methylsulfonyl)-, 0-[(methylamino)carbonyl]-oxime	1646-88-4	P203
Aldrin	1,4,5,8-Dimeth-anonaphthalene, 1,2,3,4,10,10-hexachloro-, 1,4,4a,5,8a-hexahydro-, 8-alpha, 8-alpha, 8-beta-, 5-alpha, 8-alpha	309-00-2	P004
	4-amine		
Allyl alcohol	2-Propen-1-ol	107-18-6	P005
Allyl chloride	1-Propene, 3-chloro-	107-18-6	
Aluminum phosphide	Same	20859-73-8	P006
4-Aminobiphenyl	[1,1'-Biphenyl] 4-amine	92-67-1	
5-(Aminomethyl)-3-isoxazolol	3(2H)-Isoxazolone, 5-(aminomethyl)-	2763-96-4	P007
4-Aminopyridine	4-Pyridinamine	504-24-5	P008
Anitrole	1H-1,2,4-Triazol-3-amine	61-82-5	U011
Ammonium vanadate	Vanadic acid, ammonium salt	7803-55-6	U119
Aniline	Benzenamine	62-53-3	U012
Antimony	Same	7440-36-0	
Antimony compounds, N.O.S.			

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Aramite	Sulfurous acid, 2-chloroethyl-, 2-[(1,1-dimethylethyl)phenoxy]-1-methylethyl ester	140-57-8	
Arsenic	Arsenic	7440-38-2	
Arsenic compounds, N.O.S	Arsenic acid H[3]AsO[4]	7778-39-4	P010
Arsenic acid	Arsenic oxide As[2]O[5]	1303-28-2	P011
Arsenic pentoxide	Arsenic oxide As[2]O[3]	1327-53-3	P012
Arsenic trioxide	Benzenamine, 4,4'-carbonimidobis[N, N-dimethyl-]	492-80-8	U014
Auramine	L-Serine, diazoacetate (ester)	115-02-6	U015
Azaserine	Carbanic acid, (3-chlorophenyl)-, 4-chloro-2-butenyl ester	101-27-9	U280
Barban	Same	7440-39-3	
Barium compounds, N.O.S.	Same		
Barium cyanide	2,3-Benzodioxol-4-ol)-2,2-dimethyl-, methyl carbamate	542-62-1	P013
Bendiocarb	Same	22781-23-3	U278
Bendiocarb phenol	1,3-Benzodioxol-4-ol)-2,2-dimethyl)-	22961-82-6	U364
Benonyl	Carbanic acid, [(butylamino)carbonyl]-1H-benzimidazol-2-yl]-, methyl ester	17804-35-2	U271
Benz(c)acridine	Same	225-51-4	U016
Benz(a)anthracene	Same	56-55-3	U018
Benzenal chloride	Benzene, (dichloromethyl)-	98-87-3	U017
Benzene	Same	71-43-2	U018
Benzenearsonic acid	Arsenic acid, phenyl- [1,1'-Biphenyl] 92-67-5	98-05-5	U021
Benidine	Same		
Benzo[b]fluoranthene	Benzo[e]acephenanthrylene -4,4'-diamine	205-99-2	
Benzo[k]fluoranthene	Same	205-82-3	
Benzo[k]fluoranthene	Same	207-08-9	
p-Benzoquinone	Same	50-32-8	U022
p-Benzoquinone	2,5-Cyclohexadiene-1,4-dione	106-51-4	U197
Benzotrifluoride	Same	98-07-7	U023

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
N.O.S.	Same	218-01-9	U050
Chrysene	2-Naphthalenol, 1-[(2,5-dimethoxyphenyl)azo]-	6358-53-8	
Citrus red No. 2	Same		
Coal tar creosote	Copper cyanide CuCN	8007-45-2	P029
Copper cyanide	Copper bis(dimethylcarbamodithioato-S,S')-	544-92-3	P029
Copper dimethyldithiocarbamate	Same	137-29-1	P029
Creosote	Phenol, methyl-	U051	
Creosols (Cresylic acid)	2-Butenal	1319-77-3	U052
Crotonaldehyde	Phenol, 3-(methyl ethyl)-, methyl carbamate	4170-30-3	U053
m-Cumenyl methylcarbamate		64-00-6	P022
Cyanides (soluble salts and complexes), N.O.S.			P030
Cyanogen	Ethanedinitrile	460-19-5	P031
Cyanogen bromide	Cyanogen bromide (CN)Br	506-68-3	U246
Cyanogen chloride	Cyanogen chloride (CN)Cl	506-77-4	P033
Cytasin	Beta-D-glucopyranoside, (methyl-D-mann-oxo) methyl	14901-08-7	
Cycloate	Carbamothioic acid, cyclohexylethyl-, S-ethyl ester	1134-23-2	P066
2-Cyclohexyl-4,			

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Dazomet	2H-1,3,5-thiadiazine-2-thione, tetrahydro-3,5-dimethyl	533-74-4	U066
DDD	Benzene, 1,1'-(2,2-dichloroethyldiene)	72-54-8	U060
DDE	Benzene 1,1'-bis(2,4-chlorobis(dichloroethyldiene))bis	72-55-9	
DDT	[4-chloro-2,2,4-trichloroethyldiene)	50-29-3	U061
Diallate	Chloroethenoic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester	2303-16-4	U062
Dibenz[a,h]acridine	Same	226-36-8	
Dibenz[a,h]anthracene	Same	224-42-0	
7H-Dibenz[a,c,g]carbazole	Same	53-70-3	U063
Dibenz[a,e]pyrene	Same	194-59-2	
Dibenz[a,h]pyrene	Naphtho[1,2,3,4-def]chrysene	192-65-4	
Dibenz[a,i]pyrene	Dibenz[ab,def]chrysene	189-64-0	U064
1,2-Dibromo-3-chloropropane	Benz[rs]pentalene	189-55-9	
Dibutyl phthalate	propane, 1,2-dibromo-3-chloro-	96-12-8	U066
Dichlorobenzene	1,2-Benzenedicarboxylic acid, dibutyl ester	84-74-2	U069
Dichlorobenzene, N.O.S.	Benzene, 1,2-dichloro-	95-50-1	U070
Dichlorobenzidine	Benzene, 1,3-dichloro-	541-73-1	U071
1,4-Dichloro-2-butene	Benzene, 1,4-dichloro-	106-46-7	U072
Dichlorodifluoromethane	Benzene, dichloro-,	25321-22-6	
Dichloroethylen	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-	91-94-1	U073
Dichloroethylen	2-butene, 1,4-dichloro-	764-41-0	U074
Dichloroethylen	Methane, dichlorodifluoro-	75-71-8	U075
Dichloroethylen	Dichloroethylen	25323-30-	
1,1-Dichloroethylen	Ethene, 1,1-dichloro-	75-35-4	U078
1,2-Dichloroethylen	Ethene, 1,2-dichloro-, (E)-	156-60-5	U079
Dichloroethyl ether	1,1'-oxybis(2-chloro-	111-44-4	U025

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Dichloroisopropyl ether	Propane, 2,2'-oxybis[2-chloro-	108-60-1	U027
Dichloromethoxyethane	Ethane, 1,1'-(methylenebis(oxy)bis-	111-91-1	U024
Dichloromethyl ether	[2-chloro-	542-88-1	P016
2,4-Dichlorophenol	Methane, oxybis(chloro-	120-83-2	U081
2,6-Dichlorophenol	Phenol, 2,4-dichloro-	87-65-0	U082
Dichlorophenyl-arsine	Arsinous dichloride	696-28-6	P036
Dichloropropane, N.O.S.	Propane, dichloro-	26638-19-7	
Dichloropropanol, N.O.S.	Propanol, dichloro-	26545-73-3	
Dichloropropene, N.O.S.	1-Propene, dichloro-	26952-23-8	
1,3-Dichloropropene	1-Propene, 1,3-dichloro-	542-75-6	U084
Diethrin	2,7:3,6'-Dimethanonaphth [2,3-b]oxirene,3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1a alpha, 2 beta, 2a alpha, 3 beta, 6 beta, 6a alpha, 7 beta, 7a alpha)-trane	60-57-1	P037
1,2,3,4-Diepoxybutane	2,2'-Bisoxirane	1464-53-5	U085
Diethylarsine	Arsine, diethyl-	692-42-2	P038
Diethylene glycol, dicarbamate	Ethanol, 2,2'-oxybis-(dicarbamate	5952-26-1	U395
1,4-Dichloronitrobenzene	1,4-Dioxane	123-91-1	U108
Diethylnonyl phthalate	2-Benzeneedicarboxylic acid bis(2-ethylhexyl) ester	117-81-7	U028
N,N'-Diethylhydrazine	Hydrazine, 1,2-diethyl-	1615-80-1	U086
O,O-Diethyl S-methyl dithiophosphate	Phosphorodithioic acid, O,O-diethyl S-methyl ester-	3288-58-2	U087
Diethyl-p-nitrophenyl phosphate	Phosphoric acid, diethyl 4-nitrophenyl ester	311-45-5	P041
Diethyl phthalate	1,2-Benzenedi-carboxylic acid, diethyl	84-66-2	U088

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
O,O-Diethyl O-phosphorothioic acid, O,O-diethyl O-pyrazinyl ester-	diethyl ester-phosphorothioic acid, O,O-diethyl O-pyrazinyl ester-	297-97-2	P040
Diethylstilbestrol	Phenol, 4,4'-(diethylbis-(E)-1,2-benzocyclohex-5-yl)-	56-53-1	U089
Dihydrosafrole	Phosphorodithioic acid, bis(1-methylethyl) ester-	94-59-6	U090
Diisopropyl fluorophosphate (DPP)	Phosphorodithioic acid, O,O-dimethyl S-(2-(methylenamino)-2-oxoethyl) ester	55-91-4	P043
Dimethoate	Carbamic acid, dimethyl-, 1-[(dimethylamino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester	60-51-5	P044
Dimetilan	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-	644-64-4	P191
3,3'-Dimethoxy benzidine	Benzenamine, N,N-dimethyl-4-(phenylazo)-	119-90-4	U091
p-Dimethylamino azobenzene	Benz-[a]anthracene, 7,12-dimethyl-	60-11-7	U093
7,12-Dimethylbenz[a]anthracene	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-	57-97-6	U094
3,3'-Dimethyl benzidine	Carbamate chloride, dimethyl-	119-93-7	U095
Dimethylcarbamoyl chloride	Hydrazine, 1,1-dimethyl-	79-44-7	U097
1,1-Dimethylhydrazine	Hydrazine, 1,2-dimethyl-	57-14-7	U098
1,2-Dimethylhydrazine	Benzeneethanamine, alpha, alpha-dimethyl-	540-73-8	U099
alpha, alpha-Dimethylphenethylamine	Phenol, 2,4-dimethyl-	122-09-8	P046
2,4-Dimethylphenol	1,2-Benzenedicarboxylic acid, dimethyl ester	105-67-9	U101
Dimethylphthalate	Sulfuric acid, dimethyl ester	131-11-3	U102
Dimethyl sulfate	Benzeno, dinitro 6-dinitro-	77-78-1	U103
Dinitrobenzene, N.O.S.	Phenol, 2-methyl-4,6-dinitro-	25154-54-5	
4,6-Dinitro-o-cresol		534-52-1	P047

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Nicotinic salts	-2-pyrrolidinyl)-(S)-		
Nitric oxide	Nitrogen oxide NO	10102-43-9	P075
p-Nitroaniline	Benzenamine, 4-nitro	100-01-6	P076
Nitrobenzene	Benzene, nitro	98-95-3	P078
Nitrogen dioxide	Nitrogen oxide NO(2)	10102-44-0	P078
Nitrogen mustard	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-	51-75-2	
Nitrogen mustard, hydrochloride salt			
Nitrogen mustard N-oxide	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-, N-oxide	126-85-2	
Nitrogen mustard, N-oxide, hydrochloride salt			
Nitroglycerin	1,2,3-Propanetriol, trinitrate	55-63-0	P081
p-Nitrophenol	Phenol, 4-nitro	100-02-7	U170
2-Nitropropane	Propane, 2-nitro	79-46-9	U171
Nitrosamines, N.O.S.		35576-91-1	
N-Nitrosodi-n-butylamine	1-Butanamine, N-butyl-	924-16-3	U172
N-Nitrosodiethanolamine	N-butyl-N-nitroso-ethanol, 2,2'-	1116-54-7	U173
	(nitrosamino)bis		
N-Nitrosodiethylamine	Ethanamine, N-ethyl-N-nitroso	55-18-5	U174
N-Nitrosodimethylamine	Methanamine, N-methyl-N-nitroso-	62-75-9	P082
N-Nitroso-N-ethylurea	Urea, N-ethyl-N-nitroso-	759-73-9	U176
N-Nitroso-N-methylurea	Ethanamine, N-methyl-N-nitroso	10595-95-6	
N-Nitroso-N-methylurea	Urea, N-methyl-N-nitroso-	684-93-5	U177
N-Nitroso-N-methylurethane	Carbamic acid, methyl nitroso-, ethyl ester	615-53-2	U178
N-Nitrosomethyl-vinylamine	Vinylamine, N-methyl-N-nitroso-	4549-40-0	P084
N-Nitrosomorpholine	Morpholine, N-nitroso	59-89-2	
N-Nitrosornicotine	Pyridine, 3-(1-nitroso-2-pyrrolidinyl)-, (S)-	16543-55-8	
N-Nitrosopiperidine	Piperidine, 1-nitroso-	100-75-4	U179
N-Nitrosopyrrolidine	Pyrrolidine, 1-nitroso-	930-55-2	U180
N-Nitrososarcosine	Glycine, N-methyl	13236-22-9	
Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
5-Nitro-o-toluidine	Benzenamine, 2-methyl-5-nitro-		U181
Octamethyl pyrophosphoramide	Diphosphoramide, octamethyl-	152-16-9	P085
Osmium tetroxide	Osmium oxide OsO(4), (T-4)	0816-12-0	P087
Oxamyl	Ethanimidothioic acid, 2-(dimethylamino-N-[(methylamino)carbonyl]-oxy]-2-oxo-, methyl ester	23135-22-0	P194
Paraldehyde	1,3-, Trioxane, 2,4,6-trimethyl		
Parathion	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl)-	123-63-7	U182
Pebulate	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl)-ester	56-38-2	P089
Pentachlorobenzene	Carbomethioic acid, butyl-ethyl-, S-propyl ester	1114-71-2	P091
Pentachlorodibenzo-p-dioxins	Benzene, pentachloro	608-93-5	U183
Pentachlorodibenzofurans			
Pentachloroethane	Ethane, pentachloro	76-01-7	U184
Pentachloronitrobenzene (PCNB)	Benzene, pentachloro nitro-	82-68-8	U185
Pentachlorophenol	Phenol, pentachloro	87-86-5	
Phenacetin	Acetamide, N-(4-ethoxyphenyl)-	62-44-2	See P027 U187
Phenol	Same	108-95-2	U188
Phenylenediamine	Benzenediamine	152-65-7	
Phenylmercury acetate	Mercury, (acetato-O)phenyl	25265-76-3	P092
Phenylthiourea	Thiourea, phenyl	103-85-5	P093
Phosgene	Carbonic dichloride	75-44-5	P095
Phosphate	Same	7803-51-2	P096
	Phosphorothioic acid, O,O-diethyl S-[(ethylthio)methyl] ester	298-02-2	P094
Phthalic acid esters, N.O.S.			
Phthalic anhydride	1,3-Isobenzofurandione	85-44-9	U190
Physostigmine	Pyrrrolol(2,3-b)indol-5-ol,	57-47-6	P204

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Physostigmine Salicylate	1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methyl-carbamate (ester), (3aS-cis)-	57-64-7	P188
	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo-2,3-b)indol-5-yl methyl-carbamate ester (1:1)		
2-Picoline	Pyridine, 2-methyl-	109-06-8	U191
Polychlorinated biphenyls, N.O.S.	Same	151-50-8	P098
Potassium cyanide	Carbamodithioc acid, dimethyl-, potassium salt	128-03-0	P089
Potassium dimethyldithiocarbamate	Carbamodithioc acid, (hydroxymethyl)methyl-, monopotassium salt	51026-28-9	P076
Potassium n-hydroxymethyl-n-methyl-dithiocarbamate	Carbamodithioc acid, methyl-monopotassium salt	137-41-7	P077
Potassium silver cyanide	Arginate(1-), bis(cyano-C)-, potassium	506-61-6	P099
Potassium pentachlorophenol, pentachlorophenate	Pentachlorophenol, potassium salt	7778736	None
Promecarb	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate	2631-37-0	P201
Pronamide	Benzanide, 3,5-dichloro-N-(1,1-dimethyl-2-propenyl)-	23950-58-5	U192
1,3-Propane sultone	1,2-Oxathiolane, 2,2-dioxide	1120-71-4	U193
Propham	Carbamic acid, phenyl-, 1-methylethyl ester	122-42-9	U373
Propoxur	Phenol, 2-(1-methyl-ethoxy)-, methylcarbamate	114-26-1	U411
n-Propylamine	2-Propanamine	107-10-8	U194
Propargyl alcohol	2-Propyn-1-ol	107-19-7	P102
Propylene dichloride	1,2-Dichloroethane	78-07-2	P083
1,2-Propylenimine	Aziridine, 2-methyl-	78-55-1	P067
Propylthiouracil	4(1H)-Pyrimidinone, 5	51-52-5	
Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Pronulofcarb	2,3-dihydro-6-propyl-2-thioxo-1,3,4-dihydro-2H-pyrimidin-5-(phenyl-methyl) ester		
Pyridine	Pyridine		
Reserpine	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)-(3 beta), 16 beta, 17 alpha, 18 beta, 20 alpha)-		
Resorcinol	1,3-Benzenediol		
Saccharin	Benzisothiazol-3(2H)-one, 1,1-dioxide		
Saccharin salts	1,3-Benzodioxole, 5-(2-propenyl)-		
Safrole	Same		
Selenium	Selenious acid		
Selenium compounds	Selenium sulfide		
N.O.S.	SeS[2]		
Selenium dioxide	Carbamodithioc acid dimethyl-, tetrahydro-sulfide with ortho-selenious acid		
Selenium sulfide	Same		
Selenium, tetrakis (dimethyl-dithiocarbamate)	Same		
Selenourea	Same		
Silver	Same		
Silver compounds, N.O.S.	Silver cyanide AgCN		
Silver cyanide	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-		
Silvex (2,4,5-TP)	Sodium cyanide NaCN		
Sodium cyanide	Carbamodithioc acid, 136-30-1		
Sodium dibutyldithiocarbamate	Carbamodithioc acid, 148-18-5		
Sodium diethyldithiocarbamate	Carbamodithioc acid, 128-04-1		
Sodium diethyldithiocarbamate	dimethyl-, sodium salt		

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Pronulofcarb	2,3-dihydro-6-propyl-2-thioxo-1,3,4-dihydro-2H-pyrimidin-5-(phenyl-methyl) ester		
Pyridine	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)-(3 beta), 16 beta, 17 alpha, 18 beta, 20 alpha)-		
Reserpine	1,3-Benzenediol		
Saccharin	Benzisothiazol-3(2H)-one, 1,1-dioxide		
Saccharin salts	1,3-Benzodioxole, 5-(2-propenyl)-		
Safrole	Same		
Selenium	Selenious acid		
Selenium compounds	Selenium sulfide		
N.O.S.	SeS[2]		
Selenium dioxide	Carbamodithioc acid dimethyl-, tetrahydro-sulfide with ortho-selenious acid		
Selenium sulfide	Same		
Selenium, tetrakis (dimethyl-dithiocarbamate)	Same		
Selenourea	Same		
Silver	Same		
Silver compounds, N.O.S.	Silver cyanide AgCN		
Silver cyanide	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-		
Silvex (2,4,5-TP)	Sodium cyanide NaCN		
Sodium cyanide	Carbamodithioc acid, 136-30-1		
Sodium dibutyldithiocarbamate	Carbamodithioc acid, 148-18-5		
Sodium diethyldithiocarbamate	Carbamodithioc acid, 128-04-1		
Sodium diethyldithiocarbamate	dimethyl-, sodium salt		

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Sodium pentachlorophenolate	Pentachlorophenol, sodium salt	131522	None
Streptozotocin	D-Glucose, 2-deoxy-2-[(methylnitrosoamino)carbonyl]amino]-strychnidin-10-one	18883-66-4	U206
Strychnine	Strychnine	57-24-9	P108
Sulfate	Sulfate	95-06-7	P108
TCDD	Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester	1746-01-6	U497
	Dibenzof(b,e)[1,4]dioxin, 2,3,7,8-tetrachloro-	1634-02-2	U492
Tetrabutylthiuram disulfide	Thioperoxydicarbonic diamide, tetrabutyl sulfide	97-74-5	U491
Tetramethylbutylthiuram monosulfide	Bis(dimethylthiocarbamoyl) sulfide	95-94-3	U207
1,2,4,5-Tetra chlorobenzene	Benzene, 1,2,4,5-tetrachloro		
Tetrachlorodibenzo-p-dioxins			
Tetrachlorodibenzo-furans			
Tetrachloroethane, N.O.S.	Ethane, tetrachloro-, N.O.S.	25322-20-7	
1,1,1,2-Tetra chloroethane	Ethane, 1,1,1,2-tetrachloro-	630-20-6	U208
1,1,2,2-Tetra chloroethane	Ethane, 1,1,2,2-tetrachloro-	79-34-5	U209
Tetrachloroethylene	Ethene, tetrachloro-	127-18-4	U210
2,3,4,6-Tetra chlorophenol	Phenol, 2,3,4,6-tetrachloro-	58-90-2	See F027
potassium salt	Same	5353276	None
2,3,4,6-tetrachlorophenol, sodium salt	Same	25567559	None
Tetraethyldithiopyrophosphate	Thiodiphosphoric acid, tetraethyl ester	3689-24-5	P109
Tetraethyl lead	Plumbane, tetraethyl	78-00-2	P110
Tetraethyldithiopyrophosphate	Diphosphoric acid, tetraethyl ester	107-49-3	P111
Tetranitromethane	Methane, tetranitro-	509-14-8	P112
thallium	Same	7440-28-0	
thallous compounds			
thallous oxide	Thallium	1314-32-5	P113

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Thallium (I) acetate	oxide Ti[2]O[3] Acetic acid, thallium (I+) salt	563-68-8	U214
Thallium (I) carbonate	Carbonic acid, thallium (I+) salt	6533-73-9	U215
Thallium (I) chloride	Thallium chloride	7791-12-0	U216
Thallium (I) nitrate	Nitric acid, thallium (I+) salt	10102-45-1	U217
Thallium selenite	Selenous acid, thallium (I+) salt	12039-52-0	P114
Thallium (I) sulfate	Sulfuric acid, thallium (I+) salt	7446-18-6	P115
Thioacetamide	Ethanethioamide	62-55-5	U218
Thiodicarb	Ethanethiothioic acid, N,N'-[thiobis(methyl-imino)carbonyloxy]]-bis-, dimethyl ester	59669-26-0	U410
Thiofanox	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-(methylamino) carbonyl]-oxime	39196-18-4	P045
Thiophanate-methyl	Carbanic acid, [1,2-phenylenebis(imino-carbonothioyl)]-bis-, dimethyl ester	23564-05-8	U409
Thiomethanol	Methanethiol	74-93-1	U153
Thiophenol	Benzenethiol	108-98-5	P014
Thiosemicarbazide	Hydrazinecarbothioamide	79-19-6	P116
Thiourea	Same	62-56-6	P219
Thiram	Thioperoxydicarbonic diamide ([H2N]C(S))2	137-26-8	U244
Tirpate	Si(2), tetramethyl-1,3-dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)carbonyl] oxime	26419-73-8	P185
Toluene	Benzene, methyl-Benzenediamine, ar-methyl-Benzenediamine	108-88-3	U220
Toluene-2,4-diamine	1,3-Benzenediamine, 4-methyl-	25376-45-8	U221
Toluene-2,6-diamine	1,3-Benzenediamine, 2-methyl-	95-80-7	
	8,23-40-5		

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- 1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

- 2) Code citation: 35 Ill. Adm. Code 725

- 3) Section numbers: Adopted action:

725.112, 725.113, 725.171 Amended
 725.278, 725.331, 725.414 Amended
 725.930, 725.933, 725.934 Amended
 725.935, 725.950, 725.955 Amended
 725.958, 725.964, 725.980 Amended
 725.981, 725.983, 725.984 Amended
 725.985, 725.986, 725.987 Amended
 725.988, 725.989, 725.990 Amended
 725.991 Repealed
 725.App. F Added

- 4) Statutory authority: 415 ILCS 5/22.4 and 27.

- 5) Effective date of amendments: December 16, 1997

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? Yes. 35 Ill. Adm. Code 720.111 is the central listing of all documents incorporated by reference for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739. The present amendments add a reference to an OECD method for testing sorbent materials for landfilling hazardous waste at Section 725.414. They also add references to a number of USEPA methods for air pollution testing and monitoring at Sections 725.934, 725.935, 725.983 through 725.987, 725.989, and 725.990. 35 Ill. Adm. Code 720.111 is amended to reflect those added references.

- 8) Date filed in Board's principal office: Order adopted November 6, 1997.

- 9) Notice of proposal published in Illinois Register: August 8, 1997, 21 Ill. Reg. 10342

- 10) Has JCRC issued a Statement of Objections to these rules? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the IPA, it is not subject to first notice or a second notice review by JCRC. Nevertheless, JCRC did review the text in the course of preparing a Notice of Proposed Amendments for publication in the Illinois Register. JCRC made a number of minor revisions to the text of the proposed amendments, as approved by the Board by its opinion and order of July 24, 1997 before they appeared in the August 8, 1997 Notice

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- of Proposed Amendments in the Register. The Board has reviewed the JCRC revisions to the text, and accepted nearly all of them. The revisions are outlined in the response to question (11) below.

- 11) Differences between proposal and final version: The Board has made a number of minor revisions to the text of the amendments as proposed. Most are in response to comments from JCRC. A small number are based on comments from the Illinois Environmental Protection Agency (Agency). Many others are based on the Board's review of the text in response to the JCRC and Agency suggestions. As explained in the response to question (10) above, JCRC altered the text of the proposed amendments between when the Board approved them for public comment on July 24, 1997, and when they appeared in a Notice of Proposed Amendments in the August 8, 1997 issue of the Illinois Register. The table below indicates the revisions undertaken, the source(s) of each, and their location in the text. The table indicates the revisions to the text as approved by the Board on July 24, 1997 not necessarily reflecting its appearance in the August 8, 1997 Illinois Register as altered by JCRC. A second table indicates the JCRC revisions that the Board has not accepted. Those revisions appeared in the August 8, 1997 issue of the Illinois Register.

Revisions to the Text Since the Proposal for Public Comment

Section	Source	Revision(s)
725. Source Note	JCAR	Added "effective" to entry for R95-20;
725.112(a)(2)	JCAR	Removed underlining of added text
725.113(a)(2) Board Note	Board	Changed period from "SW"
725.113(a)(3)(B)	Board	Changed "above" to "of this Section" in base text (twice)
725.113(b)	Board	Changed "below" to "of this Section" in base text
725.113(b)	Board	Changed "above" to "of this Section" in base text
725.113(b)(1)	Board	Changed "above" to "of this Section" in base text
725.113(b)(8)	Board	Changed "above" to "of this Section" in base text
725.113(c)	Board	Changed "above" to "of this Section" in base text
725.171(d)	JCAR	Removed period from "SW"
725.302	JCAR	Removed text from order, since there were no amendments
725.414(c)	JCAR	Changed punctuation from a semicolon to a colon
725.414(f)	Board	Changed "below" to "of this Section" in base text (twice)

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725-414(f)(1)(B)	Board	Corrected spelling of "polyisobutylene"
725-414(f)(2)(C)	JCAR	Corrected brackets to parentheses
725-930(b)(2) Board	Agency	Deleted reference to "722.134"
Note		
725-933(c)	Board	Changed "3" to "three"
725-933(d)(1)	Board	Changed "below" to "of this Section"
725-933(d)(2)	Board	Changed "below" to "of this Section"
725-933(d)(3)	Board	Changed "below" to "of this Section"
725-933(d)(4)(A)	Board	Changed "below" to "of this Section"
725-933(d)(4)(B)	Board	Changed "below" to "of this Section"
725-933(d)(4)(C)	Board	Changed "below" to "of this Section"
725-933(d)(5)	Board	Changed "below" to "of this Section"
725-933(e)(2)	Board	Corrected expression to read "1.74x9410-7"
725-933(e)(4)	Board	Changed "above" to "of this Section"
725-933(e)(5)	Board	Changed "above" to "of this Section"
725-933(f)(3)	Board	Corrected to plural "subsections;"
725-933(f)(2)(A)	Board	Changed "4 percent" to "4.1%
725-933(f)(2)(B)	Board	Changed "4 percent" to "4.1%"; added degree symbol "°"
725-933(f)(2)(D)	Board	Changed "1 percent" to "1%
725-933(f)(2)(E)	Board	Changed to plural "indicate" in base text
725-933(f)(2)(F)(11)	Board, Agency	Overstruck "exit" in middle of deleted text and added at end for clarity
725-933(h)(1)	Board	Changed "20 percent" to "20%
725-933(k)(1)	Board	Changed "above" to "of this Section"
725-933(k)(1)(B)	Board	Changed "above" to "of this Section"
725-933(k)(1)(B)(1)	JCAR	Changed to lower-case "sections" and "section"
725-933(k)(1)(B)(11)	JCAR	Changed "below" to "of this Section"
725-933(k)(1)(C)	Board	Changed "above" to "of this Section"
725-933(k)(2)	JCAR	Changed "above" to "of this Section"

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725-933(k)(2)(C)	Board	Changed "below" to "of this Section"
725-933(k)(3)(A)	Board	Changed "below" to "of this Section"
725-933(m)(2)	JCAR	Changed ":" or " to a period
725-933(n)	JCAR	Changed "above" to "of this Section"
725-933(n)(1)	JCAR	Changed "above" to "of this Section"
725-933(n)(2)	Board	Added "of this Section" to cross-reference
725-934(c)(1)(E)	Board;	Changed "above" to "of this Section";
	JCAR	corrected multiplication symbol to "x"; changed "HOURS" to "H"
725-934(c)(1)(F)	JCAR	Changed "above" to "of this Section" (twice)
725-934(c)(3)(A)	JCAR	Changed "above" to "of this Section"
725-934(d)(2)	Board	Changed "this subsection" to "this subsection (d)(2)"
725-934(d)(2)(A)	JCAR	Changed punctuation from a period to a semicolon
725-934(d)(2)(B)	JCAR	Corrected end comma to a semicolon
725-935(b)(4)(C)	Board	Changed "below" to "of this Section"
725-935(b)(4)(E)	Board,	Changed "95 percent" to "95%"
	JCAR	
725-935(c)(4)(A)	Board	Added degree symbols "°" (twice)
725-935(c)(4)(B)	Board,	Changed "above" to "of this Section"
	JCAR	in base text; changed "95 percent" to "95%"
725-935(c)(4)(C)(i)	Board	Changed "above" to "of this Section"
725-935(c)(4)(C)(ii)	Board	in base text; added degree symbol "°"
		Changed "above" to "of this Section"
		in base text; changed "80 percent" to "80%"
725-935(c)(4)(D)(i)	Board	Changed "above" to "of this Section"
725-935(c)(4)(D)(ii)	Board	in base text; added degree symbol "°"
725-935(c)(4)(F)	Board	Changed "above" to "of this Section"
		in base text; changed "20 percent" to "20%"
725-935(c)(4)(G)(i)	Board	Changed "above" to "of this Section"
725-935(c)(4)(G)(ii)	Board	in base text; added degree symbol "°"
725-935(c)(4)(H)	Board,	Changed "above" to "of this Section"
	JCAR	in base text; deleted unnecessary comma; changed "20 percent" to "20%"
725-935(c)(4)(I)	Board	Changed "above" to "of this Section"

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725.935(c)(5)	Board	Changed "Above" to "of this Section" in base text; deleted unnecessary comma
725.935(d)	Board	Changed "above" to "of this Section" in base text; corrected spelling of word "operator"
725.950(b)	JCAR	Changed "10 percent" to "10%"
725.950(b)(1)	JCAR	Changed " " or " to a semicolon
725.950(b)(2)	JCAR	Changed period to a semicolon
725.950(e)	JCAR	Changed "10 percent" to "10%"
725.955(a)	JCAR	Deleted surplus "or"
725.955(b)	JCAR	Deleted surplus "or"; added "of this Section" to cross-reference
725.955(b)(3)	JCAR	Added indefinite article "a" before word "waste"
725.955(c)	Board	Changed "above" to "of this Section"
725.958(c)(2)	Board	Changed "5" to "five"
725.958(e)	Board	Changed "above" to "of this Section"
725.964(b)(2)	Board, JCAR	Capitalized "For;" changed "than" to "that"
725.964(g)(2)(B)	JCAR	Corrected to singular "Section"
725.964(g)(6)	JCAR	Changed "10 percent" to "10%"
725.964(l)	JCAR	Changed "above" to "of this Section" (twice); changed "3" to "three"
725.980(a)	Board	Changed "below" to "of this Section" in base text
725.980(b)(7)	JCAR	Added "(b)(7)" to internal self-reference
725.980(d)	JCAR	Added comma after "725.990(i)"
725.980(d)(1)	Board	Corrected spelling of word "structural"
725.980(d)(2)	Board	Changed "above" to "of this Section" in base text
725.980(d)(3)	Board	Changed "above" to "of this Section" in base text (twice)
725.981	JCAR, Board	Hyphenated "double-deck" and "single-deck"
725.981 "in light material service"	Board	Changed "20 percent" to "20s"
725.981 "volatile organic concentration"	Board	Corrected expression to read "1.8x10(-6)"
725.983(b)	Board	Changed "below" to "of this Section" in base text
725.983(c)(2)(B)	JCAR	Changed "95 percent" to "95s"
725.983(c)(2)(C)	Board, USEPA	Restored "such a level" and "must" to base text; corrected cross-reference to "Section 725.984(b)"

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725.983(c)(2)(D)(i)	JCAR	Changed "95 percent" to "95s" (twice)
725.983(c)(2)(F)	Board	Changed "95 percent" to "95s"
725.983(c)(2)(G)(i)	USEPA	Restored "the owner or operator" to the deleted base text; corrected cross-reference to "35 Ill. Adm. Code 724.Subpart O"
725.983(c)(2)(H)(i)	Board, JCAR	Restored "the owner or operator" to the deleted base text; changed end punctuation to a semicolon
725.983(c)(2)(H)(ii)	JCAR	Deleted words "for the unit"
725.983(c)(2)(I)	Board	Changed "above" to "of this Section"
725.983(c)(3)	Board	Changed "above" to "of this Section"
725.983(d)(2)	Board	Changed "below" to "of this Section"
725.983(d)(2)(A)	Board	Changed "above" to "of this Section" in base text
725.983(d)(4)	Board	Changed "below" to "of this Section" in base text
725.983(d)(5)(B)	Board, JCAR	Changed "below" to "of this Section" in base text (twice); deleted unnecessary comma
725.984(a)(3)(B)(iii)	Board	Changed "EPA" to "USEPA"
725.984(a)(3)(C)	Board	Changed "below" to "of this Section" (three times); corrected expression to read "1.8x10(-6)"
725.984(a)(3)(C)(vi)	Board	Changed "EPA" to "USEPA;" changed "below" to "of this Section"
725.984(a)(3)(C)(vii)	Board	Changed "EPA" to "USEPA;" changed "below" to "of this Section"
725.984(a)(3)(C)(viii)	Board	Changed "EPA" to "USEPA" (twice); changed "below" to "of this Section"
725.984(a)(3)(D)	Board	Changed "above" to "of this Section" in base text (twice); corrected variable designation "n" (in text)
725.984(a)(3)(E)	Board	Corrected spelling of word "program;" changed "above" to "of this Section"
725.984(a)(4)(D)	Board	Changed "above" to "of this Section"
725.984(b)(2)	Board	Changed "below" to "of this Section" in base text
725.984(b)(3)(A)	USEPA	Overstruck equation to be deleted
725.984(b)(3)(B)(iii)	Board	Changed "EPA" to "USEPA" (three times); changed "above" to "of this Section" (four times); corrected expression to read "1.8x10(-6)"
725.984(b)(3)(C)	Board	Changed "EPA" to "USEPA;" changed "below" to "of this Section"
725.984(b)(3)(C)(vi)	Board	Changed "EPA" to "USEPA;" changed "below" to "of this Section"

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725.984(b)(3)(C)(vii) Board Changed "EPA" to "USEPA;" changed "below" to "of this Section"

725.984(b)(3)(C)(viii) Board Changed "EPA" to "USEPA" (twice); changed "below" to "of this Section"

725.984(b)(3)(D) Board Changed "above" to "of this Section" in base text (twice)

725.984(b)(4)(B) Board Changed "above" to "of this Section"

725.984(b)(4)(C) Board, Agency Changed "above" to "of this Section" in base text (twice); added "of this Section" to cross-references (three times); changed "100ppmw" to "500ppmw" in the equation

725.984(b)(5)(C) Board Changed "above" to "of this Section" in base text

725.984(b)(5)(C)(ii) Board Changed "above" to "of this Section" (twice)

725.984(b)(5)(D) Board, USEPA Changed "Measured VO concentration" to "Average VO concentration" (twice); changed "above" to "of this Section" (twice); changed "above" to "of this Section" in base text

725.984(b)(5)(E) Board Changed "above" to "of this Section" in base text (three times)

725.984(b)(6)(B) Board Changed "above" to "of this Section" in base text

725.984(b)(7)(B) Board Changed "above" to "of this Section" in base text

725.984(b)(7)(D) Board Changed "above" to "of this Section" (twice)

725.984(b)(8)(B) Board Changed "above" to "of this Section" in base text

725.984(b)(8)(C) Board Changed "above" to "of this Section" in base text (three times)

725.984(b)(9)(B) Board In base text Changed "above" to "of this Section" in base text

725.984(b)(9)(D) Board Changed "above" to "of this Section" in base text (three times)

725.984(c)(2) Board Changed "above" to "of this Section" in base text (twice)

725.984(d)(8) Board Changed "below" to "of this Section" (three times)

725.985(b)(1) Board

725.985(b)(1)(A)(iii) JCAR Deleted the repeated words "the maximum organic vapor pressure then"

725.985(b)(1)(B) Board Changed "above" to "of this Section"

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725.985(b)(2) Board Changed "below" to "of this Section;" changed "above" to "of this Section" (twice)

725.985(c) Board Changed "below" to "of this Section"

725.985(c)(1) Board Changed "above" to "of this Section"

725.985(c)(4)(B) JCAR Changed "below" to "of this Section"

725.985(c)(4)(C) Board Changed "below" to "of this Section"

725.985(d)(1) Board Changed "below" to "of this Section"

725.985(d)(2) Board Changed "below" to "of this Section"

725.985(d)(3) Board Changed "below" to "of this Section"

725.985(d)(4) Board Changed "below" to "of this Section"

725.985(d)(5) Board Changed "below" to "of this Section"

725.985(e)(1)(B)(iii) Board Changed "above" to "of this Section"

725.985(e)(1)(C)(iii) Board Added comma after word "to;" changed "10 percent" to "10%"

725.985(e)(3)(A) JCAR Changed "below" to "of this Section"

725.985(e)(3)(B) Board Changed "above" to "of this Section"

725.985(e)(3)(C) Board Changed "above" to "of this Section"

725.985(e)(3)(D) Board Changed "below" to "of this Section"

725.985(e)(3)(E) JCAR Changed "below" to "of this Section"

725.985(f) Board Changed "below" to "of this Section"

725.985(f)(1)(C)(v) JCAR Changed "90 percent" to "90%"

725.985(f)(3)(A)(iii) Board Changed "above" to "of this Section"

725.985(f)(3)(A)(iv) Board Changed "below" to "of this Section"

725.985(f)(3)(A)(v) Board Changed "below" to "of this Section" (twice)

725.985(f)(3)(B)(i) Board Changed "below" to "of this Section"

725.985(f)(3)(B)(ii) JCAR Changed "below" to "of this Section"

725.985(f)(3)(B)(iii) Board Changed "below" to "of this Section"

725.985(f)(3)(C) Board Changed "above" to "of this Section"

725.985(f)(3)(C)(i) Board Changed "above" to "of this Section"

725.985(f)(3)(C)(ii) JCAR Changed "below" to "of this Section"

725.985(f)(3)(D)(iii) JCAR Changed "above" to "of this Section" to "this subsection (f)(3) above" to "this subsection (f)(3)"

725.985(f)(3)(D)(iv) Board Changed "above" to "of this Section"

725.985(g) Board Changed "below" to "of this Section"

725.985(g)(3)(C) JCAR Changed "below" to "of this Section"

725.985(g)(3)(D) JCAR Changed "below" to "of this Section"

725.985(h)(3) Board Changed "above" to "of this Section"

725.985(i)(1) Board Changed "below" to "of this Section"

725.985(i)(2) Board Changed "above" to "of this Section"

725.985(k)(1) JCAR Changed "below" to "of this Section"

725.986(b)(1) Board Changed "below" to "of this Section"

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725.986(b)(2) Board Changed "below" to "of this Section"

725.986(c) Board Changed "below" to "of this Section"

725.986(c)(1)(B)(ii) Board Changed "above" to "of this Section"

725.986(c)(1)(C) JCAB Corrected to lower case "section"

725.986(c)(1)(D) Board Changed "below" to "of this Section"

725.986(c)(1)(E) JCAB Changed "90 percent" to "90%"

725.986(c)(3)(A) JCAB Corrected to lower case "section"

725.986(c)(3)(B) JCAB Changed "below" to "of this Section"

725.986(c)(3)(C) JCAB Changed "below" to "of this Section"

725.986(d) Board Changed "below" to "of this Section"

725.986(d)(3)(A) JCAB Corrected to lower case "section"

725.986(d)(3)(C) Board Changed "below" to "of this Section"

725.986(d)(3)(D) Board Changed "below" to "of this Section"

725.986(e)(1) JCAB Changed "below" to "of this Section"; capitalized "Subpart"

725.986(e)(2) Board Changed "above" to "of this Section"

725.986(f) Board Changed "above" to "of this Section"

725.986(f)(1) Board Changed "below" to "of this Section"

725.987(b)(1)(A) JCAB Changed "below" to "of this Section"

725.987(b)(1)(B) JCAB Changed "below" to "of this Section"

725.987(b)(1)(C) JCAB Changed "below" to "of this Section"

725.987(b)(2) JCAB Changed "below" to "of this Section"

725.987(c)(1)(A) JCAB Changed "below" to "of this Section"

725.987(c)(2) Board Changed "above" to "of this Section"

725.987(c)(4)(A) Board Changed "below" to "of this Section"

725.987(c)(4)(B) JCAB Changed "below" to "of this Section"

725.987(c)(5) JCAB Changed "below" to "of this Section"

725.987(d)(1)(A) JCAB Changed "below" to "of this Section"

725.987(d)(1)(B) JCAB Changed "below" to "of this Section"

725.987(d)(1)(C) Board Changed "below" to "of this Section"

725.987(d)(2) Board Changed "EPA" to "USEPA"; added "(d)(2)" to internal self-reference

725.987(d)(4)(A) Board Changed "below" to "of this Section"

725.987(d)(4)(B) Board Changed "below" to "of this Section"

725.987(e)(1)(A) Board Changed "below" to "of this Section"

725.987(e)(1)(B) Board Changed "below" to "of this Section"

725.987(e)(3) Board Changed "above" to "of this Section"

725.987(f) Board Changed "below" to "of this Section"

725.987(g) JCAB Corrected cross-reference to "subsection (d)(1)(B)"

725.987(h) Board Changed "above" to "of this Section"

725.988(b)(1) Board Changed "below" to "of this Section"

725.988(b)(3) Board Changed "below" to "of this Section" (twice)

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725.988(b)(3)(A) JCAB Changed "subsection (b)(3) above" to "this subsection (b)(3)"

725.988(b)(3)(B) JCAB Changed "subsection (b)(3) above" to "this subsection (b)(3)"

725.988(c)(1)(A) Board Changed "95 percent" to "95%"

725.988(c)(2) Board Changed "below" to "of this Section"

725.988(c)(2)(A) Board Changed "above" to "of this Section"

725.988(c)(2)(B) Board Changed "above" to "of this Section"

725.988(c)(2)(C) JCAB Changed "above" to "of this Section"

725.988(c)(2)(D) JCAB Corrected cross-reference to "subsection (c)(1)(A)"; changed "above" to "of this Section" (twice)

725.988(c)(3) Board Changed "above" to "of this Section"

725.988(c)(4) Board Changed "above" to "of this Section"

725.988(c)(5) Board Changed "above" to "of this Section"

725.988(c)(5)(A) Board Changed "below" to "of this Section"

725.988(c)(5)(C) Board Changed "above" to "of this Section"

725.988(c)(5)(D) Board Changed "above" to "of this Section"

725.988(c)(5)(E) Board Changed "above" to "of this Section"

725.988(c)(6) Board Changed "above" to "of this Section"

725.988(c)(7) Board, JCAB Changed "Section 265.933(f)(2)" to "Section 725.1033(f)(2)" (twice)

725.989(b) Board Changed "above" to "of this Section"

725.990(a) Board Changed "below" to "of this Section" (twice)

725.990(b)(2) Board Changed "above" to "of this Section"

725.990(b)(2)(D)(ii) Board Changed "below" to "of this Section"

725.990(c)(2) Board Changed "below" to "of this Section"

725.990(c)(1)(A) Board Changed "below" to "of this Section" (twice)

725.990(e)(1)(B) Board, JCAB Changed "Section 265.935(b)(4)" to "Section 265.1035(b)(4)(C)"

725.990(e)(1)(E) Board Changed "below" to "of this Section"

725.990(e)(1)(F) Board Changed "below" to "of this Section"

725.990(f)(2)(B) Board, JCAB Changed commas to semicolons (twice); changed "managed" to "handled"

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725.990(1)(3)	Changed "above" to "of this Section" in base text (twice)
725.Appendix F	Changed "(At 25 Degrees Celsius)" to "(at 25 C)" in Section title to agree with its appearance in the Table of Contents; placed all entries in proper alphabetical order; corrected spelling and/or format of "Benzothiazole", "bis(2-ethylhexyl)-phthalate", "chloroacetophenone", "triethylamine", "diethylformamide", "monethanolamine", "monomethylformamide", "N,N'-diethylpropionamide", "2,4-toluenediamine"; added secondary name to entry for "catechol"; "p-chloro-m-cresol", "chlorophenol polymers", "hydroxy-2-propionitrile", and "methyl sulfuric acid"; deleted secondary name for "cellulose"; corrected or added CAS numbers for "alachlor", "ametryn", "bromoxynil", "cellulose", "Chlorophenol polymers", "diazinon", "dichlorvos", "diethanolamine", "diethyleneglycol dimethyl ether", "N,N'-diethylhydrazine", "N,N'-diethylpropionamide", "dimethylcarbamoyl", "dimethylsulfone", "formaldehyde", "glyphosate", "guthion", "methane sulfonic acid", "nabam", "pyridinium bromide", and "tetraethylene-pentamine"; and changed entry to "diethyl(4-methylumbelliferylthio)-phosphate" and added CAS "299-43-6"

The table of suggested amendments that the Board declined to make is organized a bit differently from the above tables. The table also indicates the suggestion and its source in the middle column, and the Board's response appears in the right column.

Suggestions Not Accepted

Source: Suggestion Board Response

Section

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725.112(a)(2)	JCAR: change "within three working days of" to "within three working days after"	Existing text follows the federal original and is clearly understandable; a deviation could create ambiguity there is no period in the text
725.414(f)(2)(B)	JCAR: strike period	No symbol found missing; none indicated as added in JCAR text
725.933(f)(2)(A)	JCAR: add degree symbol °	Hyphen not missing
725.933(d)(2)	JCAR: hyphenate "closed-vent"	These subsections are not alternative
725.934(e)(2)	JCAR: restructure subsection (e)(2) and (e)(3) to appear as subsections (e)(2)(A) and (e)(2)(B), presented as alternatives	Requirements in the federal original, rendering them as such would make the Illinois rules less stringent than the federal original
Various Part 725	JCAR: remove five commas from before word "above"	All such commas were deleted in the proposal; none remain
725.988(c)(7)	JCAR: change "Section 265.933(f)(2)" to "35 Ill. Adm. Code 265.933(f)(2)" (twice)	References should have appeared as "Section 725.1033(f)(2)"
725.990(c)(7)	JCAR: change "Section 265.935(b)(4)" to "35 Ill. Adm. Code 265.935(b)(4)" and "Section 265.1035(b)(4)(C)" to "35 Ill. Adm. Code 265.1035(b)(4)(C)"	References should have appeared as "Section 725.1033(f)(2)" and "Section 725.1035(b)(4)"
725.990(i)(2)(B)	JCAR: renumber subsection (i)(2)(B) to (i)(2)(C)	The addition of a second subsection (i)(2)(B) was an error; rather, the change of subsection (i)(2)(B) needs amendment

12) Have all the changes agreed upon by the Board and JCAR been made as

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indicated in the agreement letter issued by JCAR. Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. As explained in the response to questions (10) and (11) above, JCAR altered the text of the proposed amendments between when the Board approved them for public comment on August 7, 1997 and when they appeared in a Notice of Proposed Amendments in the August 29, 1997 issue of the *Illinois Register*. The Board has reviewed the JCAR revisions to the text, and accepted nearly all of them. The revisions are outlined in the response to question (11) above.

- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any other amendments pending on this Part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
725.101	Amend	November 21, 1997, 21 Ill. Reg. 14730

The Board proposed regulations on November 6, 1997, under docket number R98-12, that would designate certain mercury-containing lamps as universal waste. The effect of this action would be to regulate these wastes under 35.116, Adm. Code 723, rather than the generally-applicable body of hazardous waste regulations under 35.116, Adm. Code 726 and 728. The R98-12 amendments will not affect the substance of the amendments involved in this consolidated update docket, R96-10/R97-3/R97-5.

- 15) Summary and purpose of Amendments: A more detailed description is contained in the Board's opinion and order of November 6, 1997, in consolidated docket R96-10/R97-3/R97-5, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

The R96-10 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1, 1995 through December 31, 1995. The R97-3 proceeding updates the Board's UIC rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1996 through June 30, 1996. R97-5 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1996 through June 30, 1996. During these time-frames, USEPA undertook a number of amendments. Certain later

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actions, outside the normal docket time-frames, are included for various reasons.

Docket R96-10: July 1, 1995, through December 31, 1995, RCRA Subtitle C Amendments:

July 7, 1995
(61 Fed. Reg. 35452)

Corrections to Subpart CC rules. USEPA corrected the docket number in the Federal Register preamble discussion of December 6, 1994.

July 11, 1995
(61 Fed. Reg. 35703)

Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on certain organic liquid hazardous waste absorbent materials.

August 14, 1995
(61 Fed. Reg. 41817)

Notice of revised interpretation of carbamate rule. USEPA revised its interpretation of its carbamate rules to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.

September 29, 1995
(61 Fed. Reg. 50426)

Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

October 23, 1995
(61 Fed. Reg. 54311)

Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the text of the Enviro. Corp. delisting inadvertently deleted when USEPA intended to add the delisting only to delete the waste from a single source (in Connecticut) on February 8, 1994.

October 30, 1995
(61 Fed. Reg. 55202)

Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertain to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally-applicable

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hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.

Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

The Board did not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period of July 1, 1995, through December 31, 1995. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995 in the prior RCRA Subtitle C update docket, R55-20, adopted June 20, 1996. No further action is required on these matters. Further, the Board will need to take further action on the federal actions of August 14 and October 23 and 30, 1995. The Board is taking action on the federal actions of July 11 and December 11, 1995 in this consolidated docket.

In addition to the direct revisions to the RCRA Subtitle C regulations during the time period of docket R96-10, USEPA amended the federal water pollution control regulations three times during the period July 1, 1995 through December 31, 1995, in a way that could affect the Illinois RCRA Subtitle C rules. These federal actions revised analytical methods of 40 CFR 136, as follows:

Federal Action	Summary
August 2, 1995 (61 Fed. Reg. 39586)	USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.
August 28, 1995 (61 Fed. Reg. 44670)	USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater.
October 16, 1995 (61 Fed. Reg. 53529)	USEPA added whole effluent toxicity testing to the approved methods.

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The methods codified in 40 CFR 136 are incorporated by reference at Section 720.111 of the Illinois RCRA Subtitle C rules for the purposes of the hazardous waste and underground injection control regulations. The Board updated the incorporations by updating to the 1996 edition of the Code of Federal Regulations.

Docket R97-5: January 1, 1996, through June 30, 1996, RCRA Subtitle C Amendments

Federal Action
February 9, 1996
(61 Fed. Reg. 4903)

Summary
Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994, Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
(61 Fed. Reg. 10684)

Relating to federal authorization of Illinois Program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.

March 26, 1996
(61 Fed. Reg. 13103)

Correction to exclusion for recovered oil extracted into refining process. USEPA corrected an error in the July 28, 1994 exclusion of recovered oil from the definition of solid waste.

April 8, 1996
(61 Fed. Reg. 15596)

Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbonate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s) but also any underlying hazardous waste constituents.

April 8, 1996
(61 Fed. Reg. 15662)

Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in *Chemical Waste Management, Inc. v. EPA*, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the

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Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994 Phase II LDRs that were also overruled by Pub. L. 104-119.

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development Council Decision C(92)39.

Phase III LDR corrections (two separate actions). In each action, USEPA corrected the effective dates set forth in the Federal Register notice for Phase III LDR rules.

Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994, Subpart CC organic material emissions requirements until October 6, 1996.

Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996, Phase III LDRs and partial withdrawal.

Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992, used oil mixture rule in response to a January 19, 1996, vacatur in *Safeway-Corp. v. SEC*, 92-1679 call op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995, administrative stay of the rule.

As with the previous docket time-frame, the Board will not need to act on certain of the January 1, 1996, through June 30, 1996, Federal RCRA Subtitle C amendments. The Board dealt with the federal amendments of June 5, 1996, in docket R95-20, on June 20, 1996. Further, the March 15, 1996, action related to federal authorization of the Illinois RCRA Subtitle C program, which the Board notes in this opinion, but which requires no further action. Finally, as discussed below, the June 28, 1996, federal action requires no action because it reversed the federal amendments of October 30, 1995, described above.

Later Federal Actions

A small number of federal amendments to the RCRA Subtitle C regulations directly affect the subject matter involved in this docket by virtue of the amendments included in R96-10 and R97-5. These include the following

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actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1, 1996 through December 31, 1996. These include the following federal actions:

Summary

Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996, actions.

Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs. Final Amendments to the "Subpart CC" rules.

USEPA adopted final amendments to its December 6, 1994, organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R96-5, for the period January 1, 1997 through June 30, 1997, are the following:

Summary

Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards as they appeared in the April 8 through August 26, 1996 actions amending these tables.

Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (On July 16, 1997, the Board received a motion from the Peoria Disposal Company to expedite on narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.)

Federal Action

July 10, 1996
(61 Fed. Reg. 36419)

August 26, 1996
(61 Fed. Reg. 43923)

November 25, 1996
(61 Fed. Reg. 59931)

Federal Action

January 14, 1997
(62 Fed. Reg. 1991)

February 19, 1997
(62 Fed. Reg. 7501)

May 12, 1997
(62 Fed. Reg. 25997)

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June 17, 1997 Amendment of carbamate waste listings in response
(62 Fed. Reg. 32973) to a judicial remand. USEPA deleted a number of
carbamate waste listings in response to the remand
in Dithiocarbamate Task Force v. EPA, 98 F.3d
1394 (D.C. Cir. 1996).

Victoria Agyeman, at the above address, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

Finally, the Board has included a single action from the update period
July 1, 1997, through December 31, 1997, for which there is no docket
presently reserved. That action is the following:

Federal Action

Summary

July 14, 1997
(62 Fed. Reg. 37693)

Extension of the national capacity variance for
K088 wastes. USEPA extended the national
capacity variance for K088 wastes for three
months, until October 8, 1997.

Docket R97-3: January 1, 1996, through June 30, 1996, UIC Amendments

Federal Action

Summary

April 8, 1996
(61 Fed. Reg. 15596)
April 30, 1996
(61 Fed. Reg. 19117)
June 28, 1996
(61 Fed. Reg. 33680)

Phase III land disposal restrictions (LDRs).
Phase III LDR corrections.
Phase III LDR corrections.

Specifically, the amendments to Part 725 implement major aspects of the
organic material emissions regulations applicable to tank containers,
and surface impoundments that contain hazardous waste called "Subpart
CC" rules). They incorporate the substance of the revised testing
requirements for sorbent materials used to dispose hazardous waste in
landfills and certain aspects of the OECD regulations applicable to
international shipments of hazardous waste for recycling that are
applicable to treatment, storage, and disposal (T/S/D) facilities. The
Board further used this opportunity to make a number of non-substantive
corrective and editorial amendments to the existing text of Part 725.

16) Information and questions regarding these adopted amendments shall be
directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of November 6, 1997 from

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TITLE 35, ENVIRONMENTAL PROTECTION

CHAPTER 15, WASTE DISPOSAL

CHAPTER 15, POLLUTION CONTROL BOARD

SUBCHAPTER 02, HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 225

INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
225.101 Purpose, Scope and Applicability
225.104 Uniform Hazard Action

SUBPART B: GENERAL FACILITY STANDARDS

Section
225.110 Applicability
225.111 USTPA Identification Number
225.112 Required Notices
225.113 General Waste Analysis
225.114 Secondary
225.115 General Inspection Requirements
225.116 Personnel Training
225.117 General Requirements for Labels, Records, or Documentation
225.118 Local Standards
225.119 Construction Quality Assurance Program

SUBPART C: PREPARATION AND DEVENTION

Section
225.120 Applicability
225.121 Maintenance and Operation of Facility
225.122 Required Equipment
225.123 Test and Maintenance of Equipment
225.124 Access to Communication or Alarm System
225.125 Required Access Space
225.126 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section
225.130 Applicability
225.131 Purpose and Implementation of Contingency Plan
225.132 Content of Contingency Plan
225.134 Contingency Plan Updates

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Section
225.154 Amendment of Contingency Plan
225.155 Emergency Coordination
225.156 Emergency Procedures

SUBPART E: MANIFEST SYSTEM, BOOKKEEPING, AND REPORTING

Section
225.170 Applicability
225.171 Use of Manifest System
225.172 Manifest Discrepancies
225.173 Operational Record
225.174 Availability, Retention and Disposition of Records
225.175 Annual Report
225.176 Unmanifested Waste Report
225.177 Additional Reports

SUBPART F: GROUNDWATER MONITORING

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225.180 Applicability
225.181 Groundwater Monitoring System
225.182 Sampling and Analysis
225.183 Preparation, Evaluation and Response
225.184 Recordkeeping and Reporting

SUBPART G: CLOSURE AND POST-CLOSURE

Section
225.210 Applicability
225.211 Closure Performance Standard
225.212 Closure Plan: Amendment of Plan
225.213 Closure: Time Allowed for Closure
225.214 Disposal or Decommissioning of Equipment, Structures and Scaffolding
225.215 Certification of Closure
225.216 Survey Plan
225.217 Post-Closure Care and Use of Property
225.218 Post-Closure Plan: Amendment of Plan
225.219 Post-Closure Notices
225.220 Certification of Completion of Post-Closure Care

SUBPART H: FINANCIAL REQUIREMENTS

Section
225.240 Applicability
225.241 Method and Timing of Payments for Subpart
225.242 Cost Reduction for Closure
225.243 Financial Assurance for Closure
225.244 Cost Reduction for Post-Closure Care

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- 725.245 Financial Assurance for Post-Closure Monitoring and Maintenance
 725.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
 725.247 Liability Requirements
 725.248 Incapacity of Owners or Operators, Guarantors or Financial Institutions
 725.251 Promulgation of Forms (Repealed)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

- Section
 725.250 Applicability
 725.251 Conditions of Containers
 725.252 Compatibility of Waste with Container
 725.253 Management of Containers
 725.254 Inspections
 725.256 Special Requirements for Ignitable or Reactive Waste
 725.257 Special Requirements for Incompatible Wastes
 725.278 Air Emission Standards

SUBPART J: TANK SYSTEMS

- Section
 725.290 Applicability
 725.291 Assessment of Existing Tank System's Integrity
 725.292 Design and Installation of New Tank Systems or Components
 725.293 Containment and Detection of Releases
 725.294 General Operating Requirements
 725.295 Inspections
 725.296 Response to leaks or spills and disposition of Tank Systems
 725.297 Closure and Post-Closure Care
 725.298 Special Requirements for Ignitable or Reactive Waste
 725.299 Special Requirements for Incompatible Wastes
 725.300 Waste Analysis and Trial Tests
 725.301 Generators of 100 to 1000 Kg/mo
 725.302 Air Emission Standards

SUBPART K: SURFACE IMPOUNDMENTS

- Section
 725.320 Applicability
 725.321 Design and Operating Requirements
 725.322 Action Leakage Rate
 725.323 Response Actions
 725.324 Containment System
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 725.328 Closure and Post-closure Care

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- 725.329 Special Requirements for Ignitable or Reactive Waste
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SUBPART L: WASTE PILES

- Section
 725.350 Applicability
 725.351 Protection from Wind
 725.352 Waste Analysis
 725.353 Containment
 725.354 Design and Operating Requirements
 725.355 Action Leakage Rates
 725.356 Special Requirements for Ignitable or Reactive Waste
 725.357 Special Requirements for Incompatible Wastes
 725.358 Closure and Post-closure Care
 725.359 Response Actions
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SUBPART M: LAND TREATMENT

- Section
 725.370 Applicability
 725.372 General Operating Requirements
 725.373 Waste Analysis
 725.376 Food Chain Crops
 725.378 Unsaturated Zone (Zone of Aeration) Monitoring
 725.379 Recordkeeping
 725.380 Closure and Post-closure
 725.381 Special Requirements for Ignitable or Reactive Waste
 725.382 Special Requirements for Incompatible Wastes

SUBPART N: LANDFILLS

- Section
 725.400 Applicability
 725.401 Design Requirements
 725.402 Action Leakage Rate
 725.403 Response Actions
 725.404 Monitoring and Inspection
 725.409 Surveying and Recordkeeping
 725.410 Closure and Post-closure
 725.412 Special Requirements for Ignitable or Reactive Waste
 725.413 Special Requirements for Incompatible Wastes
 725.414 Special Requirements for Liquid Wastes
 725.415 Special Requirements for Containers
 725.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

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SUBPART O: INCINERATORS

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725.440	Applicability
725.441	Waste Analysis
725.445	General Operating Requirements
725.447	Monitoring and Inspection
725.451	Closure
725.452	Interim Status Incinerators Burning Particular Hazardous Wastes

SUBPART P: THERMAL TREATMENT

Section	
725.470	Other Thermal Treatment
725.473	General Operating Requirements
725.475	Waste Analysis
725.477	Monitoring and Inspections
725.481	Closure
725.482	Open Burning: Waste Explosives
725.483	Interim Status Thermal Treatment Devices Burning Particular Hazardous Waste

SUBPART Q: CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT

Section	
725.500	Applicability
725.501	General Operating Requirements
725.502	Waste Analysis and Trial Tests
725.503	Inspections
725.504	Closure
725.505	Special Requirements for Ignitable or Reactive Waste
725.506	Special Requirements for Incompatible Wastes

SUBPART R: UNDERGROUND INJECTION

Section	
725.530	Applicability
725.540	Assessment of existing drip pad integrity
725.541	Design and installation of new drip pads
725.543	Design and operating requirements
725.544	Inspection
725.545	Closure

SUBPART W: DRIP PADS

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SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section	
725.930	Applicability
725.931	Definitions
725.932	Standards: Process Vents
725.933	Standards: Closed-vent Systems and Control Devices
725.934	Test methods and procedures
725.935	Recordkeeping Requirements

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section	
725.950	Applicability
725.951	Definitions
725.952	Standards: Pumps in Light Liquid Service
725.953	Standards: Compressors
725.954	Standards: Pressure Relief Devices in Gas/Vapor Service
725.955	Standards: Sampling Connecting Systems
725.956	Standards: Open-ended Valves or Lines
725.957	Standards: Valves in Gas/Vapor or Light Liquid Service
725.958	Standards: Pumps, Valves, Pressure Relief Devices, Flanges and Other Connectors
725.959	Standards: Delay of Repair
725.960	Standards: Closed-vent Systems and Control Devices
725.961	Percent Leakage Alternative for Valves
725.962	Skip Period Alternative for Valves
725.963	Test Methods and Procedures
725.964	Recordkeeping Requirements

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section	
725.980	Applicability
725.981	Definitions
725.982	Schedule for Implementation of Air Emission Standards
725.983	Standards: General
725.984	Waste Determination Procedures
725.985	Standards: Tanks
725.986	Standards: Surface Impoundments
725.987	Standards: Containers
725.988	Standards: Closed-vent Systems and Control Devices
725.989	Inspection and Monitoring Requirements
725.990	Recordkeeping Requirements
725.991	Alternative Tank Emission Control Requirements (Repealed)

SUBPART DD: CONTAINMENT BUILDINGS

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Section

725.1100 Applicability
725.1101 Design and operating standards
725.1102 Closure and Post-closure Care

725.APPENDIX A Recordkeeping Instructions
725.APPENDIX B EPA Report Form and Instructions (Repealed)
725.APPENDIX C EPA Interim Primary Drinking Water Standards
725.APPENDIX D Tests for Significance
725.APPENDIX E Examples of Potentially Incompatible Waste
725.APPENDIX F Compounds With Henry's Law Constant Less Than 0.1 Y/X (at 25°C)

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective February 22, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-28 at 11 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 14069, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 9338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 18354, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 11078, effective ~~DEC 1, 1997~~.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscripts are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART B: GENERAL FACILITY STANDARDS

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Section 725.112 Required Notices

- a) Receipt from a foreign source.
- 1) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the Regional Administrator in writing at least four weeks in advance of the date that the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.
 - 2) The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to 35 Ill. Adm. Code 722.Subpart H must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, to the Bureau of Land, Division of Land Pollution Control, Illinois Environmental Protection Agency, P.O. Box 19276, Springfield, IL 62794-9276; and to the competent authorities of all other concerned countries within three working days of receipt of the shipment. The original of the signed tracking document must be maintained at the facility for at least three years.
 - b) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of this Part and 35 Ill. Adm. Code 702 and 703 (Also see 40 35 Ill. Adm. Code 703.155).

BOARD NOTE: An owner's or operator's failure to notify the new owner or operator of the requirements of this Part in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.

(Source: Amended at 22 Ill. Reg. ~~DEC 1, 1997~~ effective

Section 725.113 General Waste Analysis

a) Waste analysis:

- 1) Before an owner or operator treats, stores, or disposes of any hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, the analysis must contain all the information that must be known to treat, store, or dispose of the waste in accordance with this Part and 35 Ill. Adm. Code 728.
- 2) The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on waste generated from similar processes.

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BOARD NOTE: For example, the facility's record of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility may be included in the data base required to comply with subsection (a)(1) of this Section above except as otherwise specified in 35 Ill. Adm. Code 728.107(b) and (c). The owner or operator of an off-site facility may arrange for the information of the hazardous waste to supply part or all of the information required by subsection (a)(1) of this Section above. If the generator does not supply the information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:

- A) When the owner or operator is notified or has reason to believe that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), has changed; and
 - B) For off-site facilities, when the results of the inspection required in subsection (a)(4) of this Section below indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.
- 4) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.
- b) The owner or operator shall develop and follow a written waste analysis plan that describes the procedures that the owner or operator will carry out to comply with subsection (a) of this Section above. The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:
- 1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a) of this Section above.
 - 2) The test methods that will be used to test for these parameters.
 - 3) The sampling method that will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:
 - A) 721-Appendix A, or
 - B) An equivalent sampling method.

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BOARD NOTE: See 35 Ill. Adm. Code 720.120(c) for related discussion.

- 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date.
- 5) For off-site facilities, the waste analysis that hazardous waste generators have agreed to supply.
- 6) Where applicable, the methods that will be used to meet the additional waste analysis requirements for specific waste management methods, as specified in Sections 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, 725.502, 725.934(d), 725.963(d), and 725.984, and 35 Ill. Adm. Code 728.107.
- 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:

- A) The sampling of impoundment contents;
 - B) The analysis of test data; and
 - C) The annual removal of residues that are not delisted under 35 Ill. Adm. Code 720.122 or that exhibit a characteristic of hazardous waste and either:
 - 1) Do not meet the applicable standards of 35 Ill. Adm. Code 728.Subpart D, or
 - ii) Where no treatment standards have been established: Such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139.
- 8) For owners and operators seeking an exemption to the air emission standards of 724.Subpart CC ~~of this part~~ in accordance with Section 725.983:
- A) If direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis, and the analysis of test data to verify the exemption.
 - B) If knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator, or by the generator of the waste if the waste is received from off-site, that is used as the basis for knowledge of the waste. ~~Each generator's notice and certification of the volatile organic concentration in the waste if the waste is received from off-site.~~
- C) For off-site facilities, the waste analysis plan required in subsection (b) of this Section above must also specify the procedures that will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:
- 1) The procedures that will be used to determine the identity of each movement of waste managed at the facility; and
 - 2) The sampling method that will be used to obtain a representative

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sample of the waste to be identified if the identification method includes sampling.

3) The procedures must require the owner or operator of an off-site landfill receiving contaminated hazardous waste will use to determine whether a hazardous waste generator or transporter has added a biohazardous material to the waste in the container.

(Source: Amended at 22 111 Reg. 191.41, effective 1/1/88)

SUBPART E: HAZARDOUS WASTE, IDENTIFICATION AND REPORTING

Section 175.111 Use of Manifest System

a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator of this agent must:

- 1) Sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;
- 2) Retain any significant discrepancies in the manifest, as defined in Section 175.112(a), on each copy of the manifest;
- 3) Retain copies of the manifest for the owner or operator of a facility whose procedures under Section 175.111(c) include waste analysis need not perform that analysis before signing the manifest and giving it to the transporter. Section 175.112(b), however, requires the owner or operator to report any unaccompanied discrepancy discovered during later analysis.

- 4) Immediately give the transporter at least one copy of the signed manifest;
- 5) Retain a copy of the manifest to each of the generator and the transporter within 10 days of the date of delivery and the facility within 10 days of the date of each manifest for at least three years from the date of delivery.

b) If a facility receives from a rail or water (bulk shipment) transporter hazardous waste that is accompanied by a shipping paper containing all the information required on the manifest (excluding the URBAN, RTR, HPA identification numbers, generator's certification and signatures), the owner or operator of its agent must:

- 1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;
- 2) Retain any significant discrepancies, as defined in Section 175.112(a), in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper.

3) Retain copies of the manifest for the owner or operator of a facility whose procedures under Section 175.111(c) include waste analysis need not perform that analysis before signing the shipping paper and giving it to the transporter. Section 175.112(b), however, requires reporting

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an unaccompanied discrepancy discovered during later analysis, immediately type the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received).

- 4) Send a copy of the signed and dated manifest to the generator and to the transporter within 10 days of the date of delivery, however, if the manifest has not been received within 10 days after delivery, the owner or operator, or its agent, must send a copy of the shipping paper signed and dated to the generator; and
- 5) Retain copies of the manifest for the generator and the transporter for at least three years from the date of delivery (if shipped in lieu of the manifest at the time of delivery) for at least three years from the date of delivery (if shipped in lieu of the manifest at the time of delivery).

6) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 33 111, Reg. Code 172.111, Reg. Code 172.113, and 172.114, effective 1/1/88, to the same extent as the owner or operator of a facility that ships hazardous waste accompanied by a manifest. Therefore, the provisions of hazardous wastes by facility only to the extent of the provisions that are shipping hazardous waste, that they generate and that they receive.

- 7) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 33 111, Reg. Code 172.111, Reg. Code 172.113, and 172.114, effective 1/1/88, to the same extent as the owner or operator of a facility that ships hazardous waste accompanied by a manifest. Therefore, the provisions of hazardous wastes by facility only to the extent of the provisions that are shipping hazardous waste, that they generate and that they receive.
- 8) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 33 111, Reg. Code 172.111, Reg. Code 172.113, and 172.114, effective 1/1/88, to the same extent as the owner or operator of a facility that ships hazardous waste accompanied by a manifest. Therefore, the provisions of hazardous wastes by facility only to the extent of the provisions that are shipping hazardous waste, that they generate and that they receive.

(Source: Amended at 22 111 Reg. 191.41, effective 1/1/88)

SUBPART F: USE AND MANAGEMENT OF CONTAINERS

Section 175.210 Air Pollution Standards

The owner or operator shall manage all hazardous waste placed in a container in accordance with the requirements of 72A Subpart A, B, C, D, E, F, G, H, and I.

(Source: Amended at 22 111 Reg. 191.41, effective 1/1/88)

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SUBPART K: SURFACE IMPOUNDMENTS

Section 725.331 Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a surface impoundment in accordance with the requirements of 724 Subparts **Subpart BB** and **CC**.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART N: LANDFILLS

Section 725.414 Special Requirements for Liquid Wastes

a) This subsection corresponds with 40 CFR 265.314(a), which pertains to the placement of bulk or non-containerized liquid waste or waste containing free liquids in a landfill prior to MAY 8, 1985. This statement maintains structural consistency with USEPA B-S-BPA rules.

b) The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.

c) Containers holding free liquids must not be placed in a landfill unless:

- 1) All free-standing liquid:
 - A) Has been removed by decanting, or other methods; or
 - B) Has been mixed with sorbent or solidified so that free-standing liquid is no longer observed; or
 - C) Has been otherwise eliminated; or
- 2) The container is very small, such as an ampule; or
- 3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or
- 4) The container is a lab pack as defined in Section 725.416 and is disposed of in accordance with Section 725.416.
- d) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test), as described in "Test Methods" for Evaluating Solid Wastes, Physical/Chemical Methods", USEPA B-S-BPA Publication No. SW 846, incorporated by reference in 35 Ill. Adm. Code 720.111.
- e) The placement of any liquid that is not a hazardous waste in a landfill is prohibited (35 Ill. Adm. Code 729.311).
- f) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are: materials listed or described in subsection (f)(1) of this Section below; materials that pass one of the tests in subsection (f)(2) of this Section below; or materials that are determined by Board to be nonbiodegradable through the 35 Ill. Adm. Code 106 adjusted standard

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process.

1) Nonbiodegradable sorbents are:

- A) Inorganic materials, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, mica (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal/activated carbon); or
- B) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polystyrene, polystyrene, polyurethane, polyacrylate, polypropylene, polyisobutylene, polyisobutylene, ground butyl copolymers). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or
- C) Mixtures of these nonbiodegradable materials.

2) Tests for nonbiodegradable sorbents.

- A) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a)—"Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi", incorporated by reference in 35 Ill. Adm. Code 720.111; or
- B) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b)—"Standard Practice for Determining Resistance of Plastics to Bacteria", incorporated by reference in 35 Ill. Adm. Code 720.111; or

- C) The sorbent material is determined to be nonbiodegradable under OECD Test 301B (CO2) Evolution (Modified Sturm Test)), incorporated by reference in 35 Ill. Adm. Code 720.111.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 725.930 Applicability

- a) This Subpart applies to owners and operators of facilities that treat, store or dispose of hazardous wastes (except as provided in Section 725.101).
- b) Except for Sections 725.934(d) and 725.935(e), this Subpart applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations

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that manage hazardous wastes with organic concentrations of at least 10 ppmw (parts per million by weight), if these operations are conducted in one of the following:

- 1) A unit that is subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705; or
- 2) A unit (including a hazardous hazardous waste recycling unit) that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 702.34(a) (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located on a hazardous waste management facility otherwise subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705.

BOMB NOTE: The requirements of Sections 725.932 through 725.936 apply to process vents on hazardous waste recycling units operated by 35 Ill. Adm. Code 721.106(c)(1). Other exceptions under 35 Ill. Adm. Code 721.106(c)(1) are 725.934 and 725.101(c) are not affected by these requirements.

- c) Agency decisions pursuant to this Part must be made in writing, are in the nature of permit decisions pursuant to Section 39 of the Environmental Protection Act and may be appealed to the Board pursuant to 35 Ill. Adm. Code 105.

(Source: Amended at 22 Ill. Reg. 3.02, effective 11/1/88)

Section 725.933 Standards: Closed-vent Systems and Control Devices

- a) Compliance Required.

- 1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part shall comply with the provisions of this Section.
- 2) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart for installation and start-up. All units that begin operation after December 21, 1990, must comply with the rules of this Section. Units that have control devices installed and operating on the effective date of this Section must have an implementation schedule that applies to these units. The 2-year implementation schedule does not apply to these units if the owner or operator of the unit has a control device (condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless

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the total organic emission limits of Section 725.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.

- c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater to achieve a total organic compound concentration of 20 ppmw, expressed as the sum of the actual compounds, not carbon equivalents, on a dry basis corrected to three 5 percent oxygen or to provide a minimum residence time of 0.30 seconds at a minimum temperature of 1800° F. The boiler or process heater is used as the control device, then the vent stream must be introduced into the flame combustion zone of the boiler or process heater.
- d) Flare. Flares must be designed for and operated with no visible emissions as determined by the methods specified in subsection (e)(1) of this Section below except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.

- 2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(c) of this Section below.

- 3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted, or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater if the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2) of this Section below.

- 4) Exit Velocity.

- A) A steam-assisted or nonassisted flare must be designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section below, less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (d)(4)(C) of this Section below.

- B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section below, equal to or greater than 18.3 m/s (60 ft/s) but less than 22 m/s (70 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).

- C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section below, less than 22 m/s (70 ft/s) is allowed if the net heating value of the gas being combusted is greater than 122 m/s (400 ft/s) and less than 122 m/s (400 ft/s) is allowed.

- 5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V as determined by the method

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specified in subsection (e)(5) of this Section below.

- 6) A flare used to comply with this Section must be steam-assisted, air-assisted, or nonassisted.

e) Compliance determination and equations.
1) Reference Method 22 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart. The observation period is 2 hours and must be used according to Method 22.

- 2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H(T) = \sum_{i=1}^n K \times \sum_{i=1}^n C(i) \times H(i)$$

Where:

$H(T)$ is the net heating value of the sample in MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mole is 20°C.

$K = 1.74 \times 10^{-7}$ (1/ppm) (g mol/scm) (MJ/kcal) where standard temperature for a (g mol/scm) 20°C.

$\sum_{i=1}^n X(i)$ means the sum of the values of X for each component i , from $i=1$ to n .

$C(i)$ is the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 in 40 CFR 60, and for carbon monoxide, by ASTM D 1946-90, incorporated by reference in 35 Ill. Adm. Code 720.111.

$H(i)$ is the net heat of combustion of sample component i , kcal/gmol at 25°C and 760 mm Hg. The heats of combustion must be determined using ASTM D 2382-88, incorporated by reference in 35 Ill. Adm. Code 720.111, if published values are not available or cannot be calculated.

- 3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

- 4) The maximum allowed velocity in m/s, V for a flare complying with

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subsection (d)(4)(C) of this Section above must be determined by the following equation:

$$\log\{10\} \cdot V(\max) = \frac{H(T) + 28.8}{31.7}$$

$$\log\{10\} \cdot [V(\max)] = H(T) + 28.8$$

$$31.7$$

Where:

$\log\{10\}$ means logarithm to the base 10

H is the net heating value as determined in subsection (e)(2) of this Section above.

- 5) The maximum allowed velocity in m/s, V for an air-assisted flare must be determined by the following equation:

$$V = 8.706 + 0.7084 H(T)$$

Where:

H is the net heating value as determined in subsection (e)(2) of this Section above.

- f) The owner or operator shall monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements:

1) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before being combined with other vent streams.

- 2) Install, calibrate, maintain, and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:

A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of $\pm 1\frac{1}{2}$ percent of the temperature being monitored in °C or $\pm 0.5^\circ\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.

B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must

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be capable of monitoring temperature at two locations and have an accuracy of $\pm 1\frac{1}{2}$ percent of the temperature being monitored in $^{\circ}\text{C}$. The sensor must be greater than 1.5 m. One temperature sensor must be installed in the exhaust stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.

C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.

D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of $\pm 1\frac{1}{2}$ percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.

E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure parameters that indicate indicates good combustion operating practices are being used.

F) For a condenser, either:

- i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or
- ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature with at two locations and have an accuracy of $\pm 1\frac{1}{2}$ percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The sensor must be installed at a location in the exhaust vent stream from the condenser exit (i.e., product side) and a second temperature sensor must be installed at a location in the coolant fluid exiting the condenser.

G) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly in the control device, either:

- i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed; or
- ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined

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- 3) Inspect the reading from each monitoring device required by Subsections subsection (c)(1) and (f)(2) of this Section above at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measure which they require. The control device operates in compliance with the requirements of this Section.
- g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 725.935(b)(4)(C)(vi).
- h) An owner or operator using a carbon adsorption system such as a canister that does not regenerate the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:
 - 1) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of Section 725.935(b)(4)(C)(vi), whichever is longer.
 - 2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 725.935(b)(4)(C)(vi).

1) An owner or operator of an affected facility seeking to comply with the provisions of this part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.

- 3) A closed-vent system must meet either of the following design requirements: closed-vent systems:
 - 1) A closed-vent system equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed; or
 - 2) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined

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1) An owner or operator of an affected facility seeking to comply with the provisions of this part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.

- 3) A closed-vent system must meet either of the following design requirements: closed-vent systems:
 - 1) A closed-vent system equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed; or
 - 2) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined

1) An owner or operator of an affected facility seeking to comply with the provisions of this part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.

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least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating. Closed-vent systems must be monitored to determine compliance with this Section during the initial leak detection monitoring, which must be conducted by the date that the facility becomes subject to the provisions of this Section annually, and at other times as specified by the Agency pursuant to Section 725.934(f). For the annual leak detection monitoring after the initial leak detection monitoring, the owner or operator is not required to monitor those closed-vent system components that continuously operate in vacuum service or those closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of metal pipe or a bolted and gasketed pipe flange).

3) Detectable emissions, as indicated by an instrument reading as soon as practicable, but not later than 15 calendar days after the emission is detected.

4) A first attempt at repair must be made no later than 5 calendar days after the emission is detected.

k) The owner or operator shall monitor and inspect each closed-vent system required to comply with this Section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:

1) Each closed-vent system that is used to comply with subsection (j)(1) of this Section shall be inspected and monitored in accordance with the following requirements:

A) An initial leak detection monitoring of the closed-vent system shall be conducted by the owner or operator on or before the date that the system becomes subject to this Section. The owner or operator shall monitor the closed-vent system components and connections using the procedures specified in Section 725.934(b) to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background.

B) After initial leak detection monitoring required in subsection (k)(1)(A) of this Section, the owner or operator shall inspect and monitor the closed-vent system as follows:

1) Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) must be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The owner or operator shall monitor a component of

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connection using the procedures specified in Section 725.934(b) to demonstrate that it operates with no detectable emissions following any time the component is repaired or is replaced (e.g., a section of damaged hard piping is replaced with a new hard piping) or the connection is unsealed (e.g., a flange is unbolted).

ii) Closed-vent system components or connections other than those specified in subsection (k)(1)(B)(i) of this Section must be monitored annually and at other times as requested by the Regional Administrator, except as provided for in subsection (n) of this Section, using the procedures specified in Section 725.934(b) to demonstrate that the components or connections operate with no detectable emissions.

C) In the event that a defect or leak is detected, the owner or operator shall repair the defect or leak in accordance with the requirements of subsection (k)(3) of this Section.

D) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 725.935.

2) Each closed-vent system that is used to comply with subsection (j)(2) of this Section must be inspected and monitored in accordance with the following requirements:

A) The closed-vent system must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or piping or loose connections.

B) The owner or operator shall perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year.

C) In the event that a defect or leak is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k)(3) of this Section.

D) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 725.935.

3) The owner or operator shall repair all detected defects as follows:

A) Detectable emissions, as indicated by visual inspection or by an instrument reading greater than 500 ppmv above background, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in subsection (k)(3)(C) of this Section.

B) A first attempt at repair must be made no later than five

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- C) calendar days after the emission is detected. been detected if a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown, or if the owner or operator determines that emissions resulting from the repair are not likely to result in significant emissions likely to result from delay of repair. Repair of such equipment must be completed by the end of the next process unit shutdown.
- D) The owner or operator shall maintain a record of the defect repair in accordance with the requirements specified in Section 725.935.
- 1k) A closed-vent system or closed-vent-systems-and control device times to comply with provisions of this Subpart must be operated at all times when emissions may be vented to it them.
- m) The owner or operator using a carbon adsorption system to control air pollutant emissions shall document that all carbon removed that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the volatile organic concentration of the carbon:
- 1) It is regenerated or reactivated in a thermal treatment unit that meets one of the following: ~~is permitted under 35-iii-Adm-Code 724-Subpart-K or 725-Subpart-P;~~
 - A) The owner or operator of the unit has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 724-Subpart K, or

- B) The unit is equipped with and operating air emission controls in accordance with the applicable requirements of 725-Subparts Aa and Cc or 35 Ill. Adm. Code 724; or
- C) The unit is equipped with and operating air emission controls in accordance with a national emission standard for hazardous pollutants under 40 CFR 61 or 40 CFR 63.
- 2) It is incinerated in a hazardous waste incinerator, or which the owner or operator has done either of the following: ~~the process that is permitted under 35-iii-Adm-Code 724-Subpart-O or 725-Subpart-Q; or~~
- A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 724-Subpart O, or
- B) The owner or operator has designed and operates the incinerator in accordance with the interim status requirements of 725-Subpart O.
- 3) It is burned in a boiler or industrial furnace for which the owner or operator has done either of the following: ~~that is permitted under 35-iii-Adm-Code 726-Subpart-H;~~
- A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the

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- Requirements of 35 Ill. Adm. Code 726-Subpart H, or
- B) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of 35 Ill. Adm. Code 726-Subpart H.
- n) Any components and associated systems are designated, as described in Section 725.935(C)(9) unsafe and removed from the requirements of subsection (k)(1)(B)(ii) of this Section if both of the following conditions are fulfilled:
- 1) The owner or operator of the closed-vent system has determined that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (k)(1)(B)(ii) of this Section; and
 - 2) The owner or operator of the closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the procedures specified in subsection (k)(1)(B)(ii) of this Section as frequently as practicable during safe-to-monitor times.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 725.934 Test Methods and Procedures.

- a) Each owner or operator subject to the provisions of this Subpart shall comply with the test methods and procedures requirements provided in this Section
- b) When a closed-vent system is tested for compliance with no detectable emissions, as required in Section 725.933(k)(7), the test must comply with the following requirements:
- 1) Monitoring must comply with Reference Method 21 in 40 CFR 60,
 - 2) The detection instrument must meet the performance criteria of Reference Method 21 in 35 Ill. Adm. Code 720.111.
 - 3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
 - 4) Calibration gases must be:
 - A) Zero air (less than 10 ppm of hydrocarbon in air).
 - B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.
 - 5) The background level must be determined as set forth in Reference Method 21.
 - 6) The instrument probe must be transversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
 - 7) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared

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c) with 500 ppm for determining compliance.

c) Performance tests to determine compliance with Section 725.932(a) and with the total organic compound concentration limit of Section 725.933(c) must comply with the following:

- 1) Performance tests to determine total organic compound concentrations and mass flow rates entering and exiting control devices must be conducted and data reduced in accordance with the following reference methods and calculation procedures:

- A) Method 2 in 40 CFR 60 for velocity and volumetric flow rate.
- B) Method 18 in 40 CFR 60 for organic content.
- C) Each performance test must consist of three separate runs, each run conducted for at least 1 hour under the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. For the purpose of determining total organic compound concentrations and mass flow rates, the average of results of all runs applies. The average must be computed on a time-weighted basis.

D) Total organic mass flow rates must be determined by the following equation:

$$P = K - A - Q - A - \text{SUM}(Ct - A - MW) \div$$

Where:

P is the total organic mass flow rate, kg/h;
K is 4.16 - 8.7, conversion factor for molar volume;
kg-mol/cubic-m; at 293 K and 760 mm Hg.

Q is volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by Method 2 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 725.933.

SUM(Kt) means the sum of the values of K for each component i, from i=1 to n.

n = number of organic compounds in the vent gas;

Ct is the organic concentration in ppmv-dry basis, of compound i in the vent gas, as determined by Method 18 in 40 CFR 60;

MW_i is the molecular weight of organic compound i in the vent gas, kg/kg-mol;

$$E[h] = Q[2sd] \times \left(\sum_{i=1}^n C[i] \times MW[i] \right) \times 0.0416 \times 10^{(-6)}$$

Where:

E[h]
Q[2sd]
= The total organic mass flow rate, kg/h.
= The volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by Method 2 in 40 CFR 60.

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incorporated by reference in 35 Ill. Adm. Code 720.111.

= the number of organic compounds in the vent gas.

= The organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Method 18 in 40 CFR 60.

= The molecular weight of organic compound i in the vent gas, kg/kg-mol.

= The conversion factor for molar volume, kg-mol/m³, at 293 K and 760 mmHg.

= The conversion factor from ppm.

E) The annual total organic emission rate must be determined by the following equation:

$$A = F \times H \times \text{HOURS}$$

Where:

A is total organic emission rate, kg/y.

F is the total organic mass flow rate, kg/h, as calculated in subsection (c)(1)(D) of this Section.

H HOURS is the total annual hours of operation for the affected unit.

F) Total organic emissions from all affected process vents at the facility must be determined by summing the hourly total organic mass emissions rates (F as determined in subsection (c)(1)(D) of this Section) and by summing the annual total organic mass emission rates (A as determined in subsection (c)(1)(E) of this Section) for all affected process vents at the facility.

2) The owner or operator shall record such process information as is necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown and malfunction do not constitute representative conditions for the purpose of a performance test.

3) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

A) Sampling ports adequate for the test methods specified in subsection (c)(1) of this Section.

B) Safe sampling platform(s).

C) Utilities for sampling and testing equipment.

4) For the purpose of making compliance determinations, the time-weighted average of the results of the three runs must apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions or other circumstances beyond the owner or operator's

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control, compliance may, upon the Agency's approval, be determined using the average of the results of the two other runs.

- d) To show that a process vent associated with a hazardous waste distillation, or fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation is not subject to the requirements of this Subpart, the owner or operator shall make an initial determination that, the time-weighted annual average total organic concentration of the waste managed by the waste management unit is less than 10 ppmw using one of the following two methods:

1) Direct measurement of the organic concentration of the waste using the following procedures:

- A) The owner or operator shall take a minimum of four grab samples of waste for each wastestream managed in the affected unit under process conditions expected to cause the maximum waste organic concentration.

- B) For waste generated onsite, the grab samples must be collected at a point before the waste is exposed to the atmosphere such as in an enclosed pipe or other closed system that is used to transfer the waste after generation to the first affected distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation. For waste generated offsite, the grab samples must be collected at the inlet to the first waste management unit that receives the waste provided the waste has been transferred to the facility in a closed system such as a tank truck and the waste is not diluted or mixed with other waste.

- C) Each sample must be analyzed and the total organic concentration of the sample must be computed using Method 9060 or 8240 of SW-846, incorporated by reference under 35 Ill. Adm. Code 720.111.

- D) The mean for each wastestream managed in the unit for samples analyzed under the procedures in C) shall be used in determining the time-weighted annual average total organic concentration of the waste. The time-weighted average is to be calculated using the annual quantity of each waste stream processed and the mean organic concentration of each wastestream managed in the unit.

- 2) Using knowledge of the waste to determine that its total organic concentration is less than 10 ppmw. Documentation of the waste determination is required. Examples of documentation that must be used to support a determination under this subsection (d)(2) include:

- A) Production process information documenting that no organic compounds are used;
- B) Information that the waste is generated by a process that is identical to a process at the same or another facility that

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has previously been demonstrated by direct measurement to generate a wastestream having a total organic content less than 10 ppmw; or analysis results on the same wastestream prior specifications documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.

- e) The determination that distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations which manage hazardous wastes with time-weighted, annual average total organic concentrations less than 10 ppmw must be made as follows:
- 1) By the effective date that the facility becomes subject to the provisions of this Subpart or by the date when the waste is first managed in a waste management unit, whichever is later; and
- 2) For continuously generated waste, annually; or
- 3) Whenever there is a change in the waste being managed or a change in the process that generates or treats the waste.

- f) When an owner or operator and the Agency do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, the procedures in Method 8240 in SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to resolve the dispute.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.935 Recordkeeping Requirements

- a) Compliance Required.

- 1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.
- 2) On the effective date of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.
- b) Owners and operators shall record the following information in the facility operating record:
- 1) For facilities that comply with the provisions of Section 725.933(a)(2), an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The schedule must also include a rationale of why the installation cannot be completed at an earlier date. The implementation schedule must be in the facility operating record by the effective date that the facility becomes subject to the provisions of this Subpart.

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- 2) Up-to-date documentation of compliance with the process vent standards in Section 725.932, including:
 - A) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management unit on a facility plot plan).
 - B) Information and data supporting determination of vent emissions and emission reductions achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, determinations of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or vent stream organic compounds and concentrations) that represent the conditions that result in maximum organic emissions, such as when the waste management unit is operating at the highest load or capacity level reasonably expected to occur. If the owner or operator takes any action (e.g., managing a waste of different composition or increasing operating hours of affected waste management units) that would result in an increase in total organic emissions from affected process vents at the facility, then a new determination is required.
- 3) Where the owner or operator chooses to use test data to determine the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan. The test plan must include:
 - A) A description of how it is determined that the planned test is going to be conducted when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. This must include the estimated or design flow rate and organic content of each vent stream and define the acceptable operating ranges of key process and control device parameters during the test program.
 - B) A detailed engineering description of the closed-vent system and control device including:
 - i) Manufacturer's name and model number of control device.
 - ii) Type of control device.
 - iii) Dimensions of the control device.
 - iv) Capacity.
 - v) Construction materials.
 - C) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and

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- monitoring frequency, and planned analytical procedures for sample analysis.
- 4) Documentation of compliance with Section 725.933 must include the following information:
 - A) A list of all information references and sources used in preparing the documentation.
 - B) Records, including the dates of each compliance test required by Section 725.933(j).
 - C) If engineering calculations are used, a design analysis, instrumentation, drawings, schematics, and piping and specification diagrams based on the appropriate sections of API Course 415 (incorporated by reference in 35 Ill. Adm. Code 720.111) or other engineering texts, approved by the Agency, that present basic control device design information. Documentation provided by the control device manufacturer or vendor that describes the control device design in accordance with subsections (b)(4)(C)(i) through (vii) of this Section below may be used to comply with this requirement. The design analysis must address the vent stream characteristics and control device operation parameters as specified below:
 - i) For the heat exchanger/incinerator, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average temperature in the combustion zone and the combustion zone residence time.
 - ii) For a catalytic vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperatures across the catalyst bed inlet and outlet.
 - iii) For a boiler or process heater, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average flame zone temperatures, combustion zone residence time and description of method and location where the vent stream is introduced into the combustion zone.
 - iv) For a flare, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also consider the requirements specified in Section 725.933(d).
 - v) For a condenser, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic compound concentration level, design average

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temperature of the condenser exhaust vent stream and design average temperatures of the coolant fluid at the condenser inlet and outlet.

- vi) For a carbon adsorption system such as a fixed-bed adsorber that regenerates the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design exhaust vent stream organic compound concentration level, number and capacity of carbon beds, type and design of adsorption equipment used for carbon bed design total steam flow over the period of each complete carbon bed regeneration cycle, duration of the complete carbon bed regeneration cycle, cycles, design carbon bed temperature after regeneration, design carbon bed regeneration time and design service life of carbon.

vii) For a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.

- D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.
- E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 percent or greater unless the total organic concentration limit of Section 725.932(a) is obtained an efficiency limit of 95 percent or greater. The total organic efficiency limits of Section 725.932(a) for affected process vents at the facility are attained by a control device involving vapor recovery at an efficiency less than 95 weight percent. A statement provided by the control device manufacturer or vendor certifying that the control equipment meets the design specifications may be used to comply with this requirement.

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- F) If performance tests are used to demonstrate compliance, all test results.

c) Design documentation and monitoring operating and inspection information for each closed-vent system and control device required to comply with the provisions of this Part must be recorded and kept up-to-date in the facility operating record. The information must include:

- 1) Description and date of each modification that is made to the closed-vent system or control device design.
- 2) Identification of operating parameter, description of monitoring and data recording equipment, and monitoring sensor location or locations used to comply with Section 725.933(f)(1) and (2).
- 3) Monitoring, operating and inspection information required by Section 725.933(f) through (k).
- 4) Date, time and duration of each period that occurs while the control device is operating when any monitored parameter exceeds the value established in the control device design analysis as specified below:

A) For a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 second at a minimum temperature of 760°C, any period when the combustion temperature is below 760°C.

B) For a thermal vapor incinerator designed to operate with an organic emission reduction efficiency of 95 percent or greater, any period when the combustion zone temperature is more than 28°C below the design average combustion zone temperature established as a requirement of subsection (b)(4)(C)(i) of this Section—above.

C) For a catalytic vapor incinerator, any period when:

- i) Temperature of the vent stream at the catalyst bed inlet is more than 28° C below the average temperature of the inlet vent stream established as a requirement of subsection (b)(4)(C)(ii) of this Section—above; or
- ii) Temperature difference across the catalyst bed is less than 80 percent of the design average temperature difference established as a requirement of subsection (b)(4)(C)(iii) of this Section—above.

D) For a boiler or process heater, any period when:

- i) Flame zone temperature is more than 28°C below the design average flame zone temperature established as a requirement of subsection (b)(4)(C)(iii) of this Section—above; or
- ii) Position changes where the vent stream is introduced to the combustion zone from the location established as a requirement of subsection (b)(4)(C)(iii) of this Section—above.

- E) For a flare, period when the pilot flame is not ignited.
- F) For a condenser when that complies with Section

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725.933(c)(2)(F)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the condenser are more than 20% percent greater than the design outlet organic compound concentration level, established as a requirement of subsection (b)(4)(C)(v) of this Section--above.

- G) For a condenser that complies with Section 725.933(f)(2)(F)(ii), any period when:

i) Temperature of the exhaust vent stream from the condenser is more than 6°C above the design average exhaust vent stream temperature established as a requirement of subsection (b)(4)(C)(v) of this Section--above.

ii) Temperature of the coolant fluid exiting the condenser is less than 6°C above the design average coolant fluid temperature at the condensed outlet established as a requirement of subsection (b)(4)(C)(v) of this Section--above.

- H) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 725.933(f)(2)(G)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the carbon bed are more than 20% percent greater than the design exhaust vent stream organic compound concentration level established as a requirement of subsection (b)(4)(C)(vi) of this Section--above.

I) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 725.933(f)(2)(G)(ii), any period when the vent stream continues to flow through the control device beyond the predetermined carbon bed regeneration time established as a requirement of subsection (b)(4)(C)(vi) of this Section--above.

- 5) Explanation for each period recorded under subsection (c)(4) of this Section--above of the cause for control device operating parameter exceeding the design value and the measures implemented to correct the control device operation.

6) For carbon adsorption systems operated subject to requirements specified in Section 725.933(g) or (h)(2), any date when existing carbon in the control device is replaced with fresh carbon.

7) For a carbon adsorption systems operated subject to requirements specified in Section 725.933(h)(1), a log that records:

- A) Date and time when control device is monitored for carbon breakthrough and the monitoring device reading.
B) Date when existing carbon in the control device is replaced with fresh carbon.

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- 8) Date of each control device startup and shutdown.

9) An owner or operator designating any components of a closed-vent system as unsafe to monitor pursuant to Section 725.933(n) shall record in a log that is kept in the facility operating record the identification of closed-vent system components that are designated as unsafe to monitor in accordance with the requirements of Section 725.933(n), an explanation for each closed-vent system component stating why the closed-vent system component is unsafe to monitor, and the plan for monitoring each closed-vent system component.

- 10) When each leak is detected as specified in Section 725.933(k), the following information must be recorded:

A) The instrument identification number, the closed-vent system component identification number, and the operator name, initials, or identification number.

B) The date the leak was detected and the date of first attempt to repair the leak.

C) The date of successful repair of the leak.

D) Maximum instrument reading measured by Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, after it is successfully repaired or determined to be nonreparable.

E) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

ii) The owner or operator may develop a written procedure that identifies the conditions that justify a delay of repair. In such cases, reasons for delay of repair must be documented by citing the relevant sections of the written procedure.

iii) If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were sufficiently stocked on-site before depletion and the reason for depletion.

- d) Records of the monitoring, operating and inspection information required by subsections (c)(3) through (10) of this Section--above, must be maintained by the owner or operator for at least ~~three~~ be--keep--only--3 years following the date of each occurrence, measurement, corrective action, or record.

e) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser or carbon adsorption system, monitoring and inspection information indicating proper operation and maintenance of the control device must be recorded in the facility operating record.

f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 725.932, including supporting documentation as required by Section 725.934(d)(2), when application of the knowledge of the nature of the

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hazardous wastestream or the process by which it was produced is used, must be recorded in a log that is kept in the facility operating record.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 725.950 Applicability

- The regulations in this Subpart apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in Section 725.101).
- Except as provided in Section 725.964(k)(4), this Subpart applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:
 - A unit units that is is subject to the RCRA permitting requirements of 35 Ill. Adm. Code 702.703 and 705.707.
 - A unit (including a hazardous hazardous waste recycling unit) units that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a hazardous waste recycling unit that is not a "90-day" tank or container) and that is located at a hazardous waste management facility facilities otherwise subject to the permitting requirements of 35 Ill. Adm. Code 702.703, and 705.707.
 - A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a "90-day" tank or container).
- Each piece of equipment to which this Subpart applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.
- Equipment that is in vacuum service is excluded from the requirements of Sections 725.952 to 725.960, if it is identified as required in Section 725.964(g)(5).
- Equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for a period of less than 300 calendar days is excluded from the requirements of Sections 725.952 through 725.960 if it is identified as required in Section 725.964(g)(6).

BOARD NOTES: The requirements of Sections 725.952 through 725.964 apply to equipment associated with hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104-722.134 and 725.101(e) are not affected by these requirements.

(e) Agency decisions pursuant to this Part must be made in writing, are in the nature of permit decisions pursuant to Section 39 of the Environmental Protection Act and may be appealed to the Board pursuant

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to 35 Ill. Adm. Code 105.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.955 Standards: Sampling Connecting Systems

- Each sampling connection system must be equipped with a closed-purge, closed-loop, system or closed-vent system. This system must collect the sample purge for return to the process or for routing to the waste treatment system. Gases displaced during filling of the sample container are not required to be collected or captured.
- Each closed-purge, closed-loop, system or closed-vent system as required in subsection (a) of this Section must meet one of the following requirements:
 - Return the purge process fluid hazardous-waste-stream directly to the hazardous-waste-management process line with no detectable emissions-to-atmosphere; or
 - Collect and recycle the purge process fluid hazardous-waste-stream with no detectable emissions-to-atmosphere; or
 - Be designed and operated to capture and transport all the purge process fluid hazardous-waste-stream to a waste management unit that complies with the applicable requirements of Sections 725.985 through 725.987 of a control device that complies with the requirements of Section 725.960.
- In-situ sampling systems and sampling systems without purges are exempt from the requirements of subsections (a) and (b) of this Section.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.958 Standards: Pumps, Valves, Pressure Relief Devices, Flanges and Other Connectors

- Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service and flanges and other connectors must be monitored within 5 days by the method specified in Section 725.983(b), if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method.
- If instrument reading of 10,000 ppm or greater is measured, a leak is detected.
- Repairs.
 - When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 725.959 after it is detected.
 - The first attempt at repair must be made no later than 5 calendar days after each leak is detected.

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- d) First attempts at repair include, but are not limited to, the best practices described under Section 725.957(e) is ceramic or ceramic-lined
 e) Any connection that is inaccessible is ceramic or ceramic-lined (e.g., porcelain, glass, or glass-lined) is exempt from the monitoring requirements of subsection (a) of this Section and from the recordkeeping requirements of Section 725.964.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.964 Recordkeeping Requirements

- a) Lumping Units
 1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.
 2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.
 b) Owners and operators shall record the following information in the facility operating record:
 1) For each piece of equipment to which this Subpart applies:
 A) Equipment identification number and hazardous waste management unit identification.
 B) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).
 C) Type of equipment (e.g., a pump or pipeline valve).
 D) Percent-by-weight total organics in the hazardous wastestream at the equipment.
 E) Hazardous waste state at the equipment (e.g., gas/vapor or liquid).
 F) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").
 2) For facilities that then comply with the provisions of Section 725.933(a)(2), an implementation schedule as specified in that Section.
 3) Where an owner or operator chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan as specified in Section 725.935(b)(3).
 4) Detailed design documentation with Section 725.960, including the specified design documentation or performance test results specified in Section 725.935(b)(4).
 c) When each leak is detected as specified in Sections 725.952, 725.953, 725.957 or 725.958, the following requirements apply:

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- 1) A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with Section 725.958(a), and the date the leak was detected, must be attached to the leaking equipment.
 2) The identification on equipment except on a valve, may be removed after it has been repaired.
 3) The identification on a valve may be removed after it has been monitored for 2 successive months as specified in Section 725.957(c) and no leak has been detected during those 2 months.
 d) When each leak is detected as specified in Sections 725.953, 725.957 or 725.958, the following information must be recorded in an inspection log and must be kept in the facility operating record:
 1) The instrument and operator identification numbers and the equipment identification number.
 2) The date evidence of a potential leak was found in accordance with Section 725.758(a).
 3) The date the leak was detected and the dates of each attempt to repair the leak.
 4) Repair methods applied in each attempt to repair the leak.
 5) "Above 10,000", if the maximum instrument reading measured by the methods specified in Section 725.963(b) after each repair attempt is equal to or greater than 10,000 ppm.
 6) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
 7) Documentation supporting the delay of repair of a valve in compliance with Section 725.959(c).
 8) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown.
 9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.
 10) The date of successful repair of the leak.
 e) Design documentation and monitoring, operating and inspection information for each closed-vent system and control device required to comply with the provisions of Section 725.960 must be recorded and kept up-to-date in the facility operating record as specified in Section 725.935(c)(1) and (c)(2), and monitoring, operating and inspection information in Section 725.935(c)(3) through (c)(8).
 f) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, monitoring and inspection information indicating proper operation and maintenance of the control device must be recorded in the facility operating record.
 g) The following information pertaining to all equipment subject to the requirements in Section 725.932 through 725.960 must be recorded in a log that is kept in the facility operating record:
 1) A list of identification numbers for equipment (except welded

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- findings) subject to the requirements of this Subpart.
- 2) List of equipment
 - A) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of Section 725.952(e), 725.953(i) and 725.957(f).
 - B) The designation of this equipment as subject to the requirements of Section 725.952(e), 725.953(i) or 725.957(f) must be signed by the owner or operator.
 - 3) A list of equipment identification numbers for pressure relief devices required to comply with Section 725.954(a).
 - 4) Compliance tests.
 - A) The dates of each compliance test required in Sections 725.952(e), 725.953(i), 725.954, and 725.957(f).
 - B) The background level measured during each compliance test.
 - C) The maximum instrument reading measured at the equipment during each compliance test.
 - 5) A list of identification numbers for equipment in vacuum service.
 - 6) Identification, either by list or location (area or group) of equipment that contains or contacts hazardous waste with an organic concentration of at least 10% by weight for a period of less than 300 hours per year.
 - a) The following information must be recorded in a log that is kept in the facility operating record:
 - 1) A list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve.
 - 2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.
 - 7) The following information must be recorded in the facility operating record for valves complying with Section 725.962:
 - 1) A schedule of monitoring.
 - 2) The percent of valves found leaking during each monitoring period.
 - 8) The following information must be recorded in a log that is kept in the facility operating record:
 - 1) Criteria required in Section 725.952(d)(5)(B) and 725.953(e)(2) and an explanation of the criteria.
 - 2) Any changes to these criteria and the reasons for the changes.
 - 9) The following information must be recorded in a log that is kept in the facility operating record for use in determining exemptions as provided in Section 725.950 and other specific Subparts:
 - 1) An analysis determining the design capacity of the hazardous

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- waste management unit.
- 2) A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in Sections 725.960 and an analysis determining whether these hazardous wastes are heavy liquids.
 - 3) An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in Sections 725.952 through 725.960. The record must include supporting documentation as required by Section 725.963(d)(3) when application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment determined not to be subject to the requirements in Sections 725.952 through 725.960, then a new determination is required.
 - 4) Records of the equipment leak information required by subsection (d) of this Section and the operating information required by subsection (e) of this Section need be kept only three years.
 - 5) The owner or operator of any facility that is subject to this Subpart and to regulations at 40 CFR 60, Subpart VV, or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to determine compliance with this Subpart by documentation pursuant to Section 725.962. Pursuant to the provisions of 40 CFR 60.101, to the extent that the documentation under the regulation at 40 CFR 60.101 duplicates the documentation required under this Subpart, the documentation under the regulation at 40 CFR 60 or 61 must be kept with or made readily available with the facility operating record.
- (Source: Amended at 22 Ill. Reg. _____, effective _____.)
- Subpart CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 725.980 Applicability

- a) The requirements of this Subpart apply, effective October 6, 1996, to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers that are subject to 725.980 Subpart I, J, or K except as Section 725.101 and subsection (b) of this Section below provide otherwise.
- BOARD NOTE: USPSA adopted these regulations at 59 Fed. Reg. 62996 (Dec. 6, 1994), effective June 6, 1995. At 60 Fed. Reg. 76828 (May 19, 1995) and 61 Fed. Reg. 56952 (Nov. 13, 1995), and 61 Fed. Reg. 28508 (June 5, 1996), USPSA delayed the effective date until October

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6, 1996. If action by USEPA or a decision of a federal court changes the effectiveness of these regulations, the Board does not intend that the 725 Subpart CC rules be enforceable to the extent that it becomes more stringent than the federal regulations upon which they are based.

b) The requirements of this Subpart do not apply to the following waste management units at the facility:

- 1) A waste management unit that holds hazardous waste placed in the unit before October 6, 1996 and in which no hazardous waste is added to the unit on or after this date.
- 2) A container that has a design capacity less than or equal to 0.1 m³ (3.5 ft³) or 26.4 gal).
- 3) A tank in which an owner or operator has begun implementing or waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is generated as the result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA sections 3004(u), 3004(v) or 3008(h); CERCLA authorities; or similar federal or state authorities.
- 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act (42 U.S.C. 2011 et seq.) and the Nuclear Waste Policy Act.

7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. For the purpose of complying with this subsection (b)(7), a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of Section 725.985(1), except as provided in Section 725.983(c)(5).

8) A tank that has a process vent, as defined in 35 Ill. Adm. Code 725.931.

c) Who has received a final RCRA permit prior to October 6, 1996, the following requirements apply:

- 1) The requirements of 35 Ill. Adm. Code 724 Subpart CC must be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705.
- 2) Until the date when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and

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705, the owner and operator is subject to the requirements of this Subpart.

d) The requirements of this Subpart, except for the recordkeeping requirements specified in Section 725.990(1), are stayed for a tank or container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations, when the owner or operator of the unit meets all of the following conditions.

- 1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or more organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purposes of this subsection, "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural ~~structural~~ derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

2) The owner or operator prepares documentation, in accordance with Section 725.990(1), explaining why an undue safety hazard would be created if air emission controls specified in Sections 725.985 through 725.988 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section above.

3) The owner or operator notifies the Agency in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section above are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2) of this Section above. The notification must state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

(Source: Amended at 22 Ill. Reg. 10/1/96, effective 10/1/96)

Section 725.981 Definitions

As used in this Subpart and in 35 Ill. Adm. Code 724, all terms not defined herein shall have the meaning given to them in the Act and 35 Ill. Adm. Code 720 through 726.

"Average volatile organic concentration" or "average VO concentration"

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means the mass-weighted average volatile organic concentration of a hazardous waste, as determined in accordance with the requirements of Section 725.904.

"Closure device" means a cap, hatch, lid, plug, seal, valve, or other type of fitting that blocks an opening in a cover so that when the device is fitting in closed position it prevents the escape of the pollutant emissions to the atmosphere. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

"Continuous seal" means a seal that forms a continuous closure that completely covers the space between the edge of the floating roof and the wall of a tank. A continuous seal may be a vapor-mounted seal, liquid-mounted seal, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

"Cover" means a device or system that provides a continuous barrier is placed on or over the hazardous waste managed in a unit such that the entire hazardous waste surface area is enclosed and sealed to prevent or reduce air emissions to the atmosphere. A cover may have openings (such as access hatches, sampling ports, and gauge wells) that are necessary for operation, inspection, maintenance, or repair of the unit on which the cover is used installed provided that each opening is closed and sealed when not in use. A cover may be a separate piece of equipment which can be detached and removed from the unit or a cover may be formed by structural features permanently integrated into the design of the unit. Examples of covers include a fixed roof installed on a tank, a floating membrane cover installed on a surface impoundment, a lid installed on a drum or an enclosure in which an open container is placed during waste treatment.

"Enclosure" means a structure that surrounds a tank or container, captures organic vapors emitted from the tank or container, and vents the captured vapors through a closed-vent system to a control device.

"External floating roof" means a pontoon-type or double-deck type cover floating roof that rests on the surface of a hazardous waste being managed in a tank with that has no fixed roof.

"Fixed roof" means a rigid cover that is mounted on a unit installed in a stationary position and so that it does not move with fluctuations in the level of the material managed hazardous waste placed in the unit a tank.

"Floating membrane cover" means a cover consisting of a synthetic flexible membrane material that rests upon and is supported by the

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hazardous waste being managed in a surface impoundment.

"Floating roof" means a cover consisting of a double-deck, pontoon single-deck, or internal floating roof type or double-deck type material that rests upon and is supported by the material hazardous waste being contained managed in a tank and is equipped with a continuous closure seal or seals to close the space between the cover edge and the tank wall.

"Hard-piping" means pipe or tubing that is manufactured and properly installed in accordance with relevant standards and good engineering practices.

"In light material service" means the container is used to manage a material for which both of the following conditions apply: the vapor pressure of one or more of the organic constituents in the material is greater than 0.3 kilopascals (kPa) at 20°C (1.2 inches H₂O at 68°F), and the total concentration of the pure organic constituents having a vapor pressure greater than 0.3 kPa at 20°C (1.2 inches H₂O at 68°F) is equal to or greater than 20% by weight.

"Internal floating roof" means a cover floating roof that rests or floats on the material surface (but not necessarily in complete contact with it) inside of a hazardous waste being managed in a tank that has a fixed roof.

"Liquid-mounted seal" means a foam or liquid-filled primary seal mounted in contact with the hazardous waste between the tank wall and the floating roof, continuously around the circumference of the tank.

"Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in normal or usual manner. A failure that is caused in part by poor maintenance or careless operation is not a malfunction.

"Maximum organic vapor pressure" means the equilibrium partial pressure exerted by the hazardous waste contained in a tank determined at the temperature equal to either:

the local maximum monthly average temperature as reported by the National Weather Service when the hazardous waste is stored or treated at ambient temperature; or

the highest calendar month average temperature of the hazardous waste when the hazardous waste is stored at temperatures above the ambient temperature or when the hazardous waste is stored or treated at temperatures below the ambient temperature.

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"Maximum organic vapor pressure" means the sum of the individual organic constituent partial pressures exerted by the material contained in a tank at the maximum vapor pressure-causing conditions (i.e., temperature, adiabatic, pH effects of combining wastes, etc.) reasonably expected to occur in the tank. For the purpose of this Subpart, maximum organic vapor pressure is determined using the procedures specified in Section 725.984(C).

"Metallic shoe seal" means a continuous seal that is constructed of metal sheets that are held vertically against the wall of the tank by springs, weighted levers, or other mechanisms and which is connected to the floating roof by braces or other means. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

"No detectable organic emissions" means no escape of organics from a device or system to the atmosphere, as determined using the procedure specified in Section 725.984(D).

By an instrument reading less than 500 parts per million by volume (ppmv) above the background level at each joint, fitting, and seal. When measured in accordance with the requirements of Method 21 in 40 CFR 60, appendix A, and

By no visible openings or defects in the device or system such as flaps, tears, or gaps.

"Point of waste origination" means as follows:

When the facility owner or operator is the generator of the hazardous waste, the "point of waste origination" means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste, as defined in 35 Ill. Adm. Code 721.

BOARD NOTE: In this case, this term is being used in a manner similar to the use of the term "point of generation" in air standards established for waste management operations under authority of the Federal Clean Air Act in 40 CFR 60, 61, and 63.

When the facility owner and operator are not the generator of the hazardous waste, "point of waste origination" means the point where the owner or operator accepts delivery or takes possession of the hazardous waste.

"Point of waste treatment" means the point where a hazardous waste to be treated in accordance with Section 725.983(C)(2) exits the treatment process as a waste management unit used to destroy, degrade, or remove organics in the hazardous waste. Any waste determination must be made before the waste is conveyed, handled, or otherwise managed in

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a manner that allows the waste to volatilize to the atmosphere.

"Safety device" means a closure device, such as a pressure relief valve, flammable disc, fusible plug, or any other type of device, which functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this Subpart, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

"Single-seal system" means a floating roof having one continuous seal. This seal may be vapor-mounted, liquid-mounted, or a metallic shoe seal.

"Vapor-mounted seal" means a continuous seal that is mounted so that there is a foam-filled primary seal mounted continuously around the circumference of the tank so that there is an annular space between the seal and the hazardous waste in the unit and the bottom of the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the hazardous waste surface, and the floating roof.

"Volatile organic concentration" or "VO concentration" means the fraction by weight of organic compounds contained in a hazardous waste expressed in terms of parts per million (ppmw), as determined by direct measurement using Method 2597 or by knowledge of the waste, in accordance with the requirements of Section 725.984. For the purpose of determining the VO concentration of a hazardous waste, organic compounds with a Henry's law constant value of at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8X10⁻⁶ atmospheres-gram-mole/m(3)) at 25°C (77°F) must be included. Section 725, Appendix F presents a list of compounds known to have a Henry's law constant value less than the cutoff level.

"Waste determination" means performing all applicable procedures in

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accordance with the requirements of Section 725.984 to determine whether a hazardous waste meets standards specified in this Subpart. Examples of a waste determination include performing the procedures in accordance with the requirements of Section 725.984 to determine the average VO concentration of a hazardous waste at the point of waste origination, determining the average VO concentration of a hazardous waste at the point of waste treatment and comparing the results to the exit concentration limit specified for the process used to treat the hazardous waste, determining the organic reduction efficiency and the organic biodegradation efficiency for a biological process used to treat a hazardous waste and comparing the results to the applicable standards, or determining the maximum volatile organic vapor pressure for a hazardous waste in a tank and comparing the results to the applicable standards.

"Waste stabilization process" means any physical or chemical process used to either reduce the ability of hazardous constituents in a hazardous waste or eliminate free liquids as determined by Method 9095 (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in Section 720.111. A waste stabilization process includes mixing the hazardous waste with binders or other materials and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are "waste fixation" or "waste solidification". This does not include the addition of absorbent materials to the surface of a waste to absorb free liquid without mixing, agitation, or subsequent curing.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.983 Standards: General

- This Section applies to the management of hazardous waste in tanks, surface impoundments, and containers subject to this Subpart.
- The owner or operator shall control air emissions from each waste management unit in accordance with standards specified in Sections 725.985 through Section 725.988, as applicable to the waste management unit, except as provided for in subsection (c) of this Section below.
- A tank, surface impoundment, or container waste-management-unit is exempted from standards specified in Sections 725.985 through Section 725.988, provided that all hazardous waste placed in the waste management unit is determined by the owner or operator to meet--either one of the following conditions:
 - A tank, surface impoundment, or container for which all the average-VO concentration of the hazardous waste entering the unit meets or exceeds the exit concentration limit specified for the process has an average VO concentration at the point of waste origination of \leq less than 500 μ g parts per million by weight (ppmw). The

average VO concentration must be determined by the procedures specified in Section 725.984(a). The owner or operator shall review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit.

2) A tank, surface impoundment, or container for which the organic content of all the hazardous waste entering the waste management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions:

- The process removes or destroys the organics contained in the hazardous waste to such a level that the average VO concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C₁) established by the procedures specified in Section 720.111 and the hazardous waste at the point of waste treatment and the exit concentration limit for the process must be determined using the procedures specified in Section 725.984(b).
- The process removes or destroys the organics contained in the hazardous waste to such a level that the organic reduction efficiency (R) for the process is equal to or greater than 95% percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 100 μ g ppmw. The organic reduction efficiency for the process and the actual organic mass removal rate for the process must be determined using the procedures specified in Section 725.984(b).
- The process removes or destroys the organics contained in the hazardous waste to such a level that the actual organic mass removal rate (MR) for the process is equal to or greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process must be determined using the procedures specified in Section 725.984(b).
- The process is a biological process that destroys or degrades the organics contained in the hazardous waste so that either of the following conditions is met:
 - The organic reduction efficiency (R) for the process is equal to or greater than 95% percent, and the organic biodegradation efficiency (R_{bio}) for the process is equal to or greater than 95% percent. The organic biodegradation efficiency for the process must be determined using the procedures specified in Section 725.984(b).

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- ii) The total actual organic mass biodegradation rate (MR(bio)) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process must be determined using the procedures specified in Section 725.984(b).
- E) The process is one that removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:
- f) ~~All of the materials entering the process are hazardous wastes.~~
 - ii) From the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is continuously managed in waste management units that use air emission controls in accordance with the standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.
 - iii) From the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the atmosphere.
- BOARD NOTE: The USEPA considers a drain system that meets the requirements of 40 CFR 63, subpart RR, "National Emission Standards for Individual Drain Systems", to be a closed system.
- iii) The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination determined for each of the individual hazardous waste streams entering the process or 500 ppmw, whichever value is lower. The average VO concentration of each individual hazardous waste stream at the point of waste origination must be determined using the procedures specified in Section 725.984(a). The average VO concentration of hazardous waste at the point of waste treatment must be determined using the procedures specified in Section 725.984(b).
- F) A process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95% and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams

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- entering the process is less than 10,000 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination shall be determined using the procedures specified in Section 724.983(b) and Section 724.983(a), respectively.
- GP) A hazardous waste incinerator for which either of the owner or operator has either following conditions is true:
- i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702.703, and 705 that implements ~~7 and the owner or operator designs and operates the unit in accordance with the requirements of 35 Ill. Adm. Code 724.983(a) or~~
 - ii) The owner or operator has designed and operates the incinerator in accordance ~~certified compliance for the unit with the interim status requirements of 725-Subpart O.~~
- HS) A boiler or industrial furnace for which either of the following conditions is true ~~owner or operator has either:~~
- i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702.703, and 705 that implements ~~and the owner or operator designs and operates the unit in accordance with the requirements of 35 Ill. Adm. Code 726.983(a) or~~
 - ii) The owner or operator has designed and operates the industrial furnace or incinerator in accordance ~~certified compliance for the unit with the interim status requirements of 35 Ill. Adm. Code 726.983(a) or~~
- H) For the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of subsections (C)(2)(A) through (C)(2)(F) of this section, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration:
- i) If Method 250 in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is used for the analysis, one-half the blank value determined in the method.
 - ii) If any other analytical method is used, one-half the limit of detection established for the method.
- 3) A tank used for biological treatment of hazardous waste in accordance with the requirements of subsection (C)(2)(D) of this Section.
- 4) A tank surface impoundment or container for which all hazardous waste placed in the unit fulfills either of the following two conditions:

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- A) It meets the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste as specified in 35 Ill. Adm. Code 728.142(a) or 728.142(b).
- B) It has been treated by the treatment technology established by USEPA for the waste in 35 Ill. Adm. Code 728.142(a), or treated by an equivalent method of treatment approved by the Agency pursuant to 35 Ill. Adm. Code 728.142(b).
- 5) A tank used for bulk feed of hazardous waste to incinerators and all of the following conditions are met:
- A) The tank is located inside an enclosure designed to control air emissions from the tank.
- B) The tank is designed and operated in accordance with all applicable requirements specified under 40 CFR 61, subpart FF, "National Emission Standards for Benzene Waste Operations", incorporated by reference in 35 Ill. Adm. Code 720.111, for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams (11 tons) per year.
- B) The enclosure and control device serving the tank were installed and began operation prior to November 25, 1996, and
- C) The enclosure is designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical or electrical equipment; or to direct air flow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" annually.
- d) When a process is used for the purpose of treating a hazardous waste, one of the sets of conditions specified in subsections (e)(1)(b)(i) through (e)(1)(b)(v) above, each material removed from an existing or new process shall be managed in accordance with the average VO concentration equal to or greater than 199 ppmw managed in a waste management unit in accordance with the requirements of subsection (b) above.
- e) The Agency may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container that is exempted from using air emission controls under the provisions of this Section as follows:
- 1) The waste determination for average VO concentration of a hazardous waste at the point of waste origination must be performed using direct measurement in accordance with the

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- applicable requirements of Section 725.984(a). The waste determination for a hazardous waste at the point of waste treatment must be performed in accordance with the applicable requirements of Section 725.984(b).
- 2) In performing a waste determination pursuant to subsection (d)(1) of this Section, the sample preparation and analysis shall be conducted as follows:
- A) In accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in subsection (d)(2)(B) of this Section.
- B) If the agency determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in the tank, surface impoundment, or container, then the Agency may choose an appropriate method.
- 3) Where the owner or operator is requested to perform the waste determination, the Agency may elect to have an authorized representative observe the collection of the hazardous waste samples used for the analysis.
- 4) Where the results of the waste determination performed or requested by the Agency do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (d)(1) of this Section above must be used to establish compliance with the requirements of this Subpart.
- 5) Where the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Agency may elect to establish compliance with this Subpart by performing or requesting that the owner or operator perform a waste determination using direct measurement, based on waste samples collected within a 1-hour period as follows:
- A) The average VO concentration of the hazardous waste at the point of waste origination must be determined by direct measurement in accordance with the requirements of Section 725.984(a).
- B) Results of the waste determination performed or requested by the Agency showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ppmw shall constitute noncompliance with this Subpart, except in a case as provided for in subsection (d) (4) (C) of this Section below.
- C) Where the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 500 ppmw but because of normal operating process variations the VO

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concentration of the hazardous waste determined by direct measurement for any given 1-hour period may be equal to or greater than 500 ppb ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of Sections 725.984(a) and 725.990 must be considered by the Agency together with the results of the waste determination performed or requested by the Agency in establishing compliance with this Subpart.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.984 Waste Determination Procedures

a) Waste determination procedure for volatile organic (VO) concentration of a hazardous waste at the point of waste origination.

1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls in accordance with standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.

2) The When-the-facility-owner-or-operator-is-the-generator-of-the hazardous-waste--the-owner-or-operator--shall--determine--the average VO concentration of a hazardous waste at the point of waste origination must be determined using either direct measurement, as specified in subsection (a)(35) of this Section below or by knowledge of the waste, as specified in subsection (a)(46) of this Section below, for each hazardous waste generated as follows:

A) When-the-hazardous-waste-is-generated-as-part-of--a continuous-process-the-owner-or-operator-shall:

i) Perform-an-initial-waste-determination-of-the-average VO-concentration-of-the-waste-stream-before-the-first time-any-portion-of-the-material-in-the-waste-stream is-placed-in-a-waste-management-unit-subject-to-this Subpart-and-thereafter-update-the-information-used-for the-waste-determination-at-least-once-every-12-months following-the-date-of-the-initial-waste-determination; and

ii) Perform-a-new-waste-determination-whenever-changes-to the-source-generating-the-waste-stream-are-reasonably likely-to-cause-the-average-VO-concentration-of--the hazardous-waste-to-increase-to-a-level-that-is-equal to-or-greater-than-the-applicable-VO-concentration

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limits-specified-in-Section-725.983; When-the-hazardous-waste-is-generated-as-part-of-a-batch process-that-is-performed-repeatedly-but-not-necessarily continuously-the-owner-or-operator-shall:

i) Perform-an-initial-waste-determination-of-the-average VO-concentration-for-one-or-more-representative-batches-generated-by-the-process-before-the-first time-any-portion-of-the-material-in-the-batches-is placed-in-a-waste-management-unit-subject-to-this Subpart-and-thereafter-update-the-information-used for-the-waste-determination-at-least-once-every-12 months-following-the-date-of-the-initial-waste-determination; and

ii) Perform-a-new-waste-determination-whenever-changes-to the-process-generating-the-waste-batches-are reasonably-likely-to-cause-the-average-VO concentration-of-the-hazardous-waste-to-increase-to-a level-that-is-equal-to-or-greater-than-the-applicable VO-concentration-limits-specified-in-Section-725.983; When-the-facility-owner-or-operator-is-not-the-generator-of-the hazardous-waste-the-owner-or-operator-shall-determine-the average-VO-concentration-of-the-hazardous-waste-using-either direct-measurement-as-specified-in-subsection-(a)(35)-below-or knowledge-of-the-waste-as-specified-in-subsection-(a)(46)-below for-each-hazardous-waste-entering-the-facility-as-follows:

A) When-the-hazardous-waste-enters-the-facility-as-a-continuous flow-of-material-through-a-pipeline-or-other-means-(e.g.7) waterway-stream)-the-owner-or-operator-shall:

i) Perform-an-initial-waste-determination-of-the-waste stream-before-the-first-time-any-portion-of-the material-in-the-waste-stream-is-placed-in-a-waste management-unit-subject-to-this-Subpart-and thereafter-update-the-information-used-for-the-waste determination-at-least-once-every-12-months-following the-date-of-the-initial-waste-determination; and

ii) Perform-a-new-waste-determination-whenever-changes-to the-source-generating-the-waste-stream-are-reasonably likely-to-cause-the-average-VO-concentration-of--the hazardous-waste-to-increase-to-a-level-that-is-equal to-or-greater-than-the-applicable-VO-concentration limits-specified-in-Section-725.983;

B) When-the-hazardous-waste-enters-the-facility-in-a-container, the-owner-or-operator-shall-perform-a-waste-determination for-the-material-held-in-each-container.

4) Where-the-average-VO-concentration-of--the-hazardous-waste-is determined-by-the-owner-or-operator-to-be-less-than-100-ppmw-but because-of-normal-operating-variations-in-the-source-or-process generating-the-hazardous-waste-the-VO-concentration-of--the

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hazardous waste may be equal to or greater than 100 ppmw at any given time during the averaging period; the owner or operator shall prepare and enter in the facility operating record information that specifies the following:

A) The maximum and minimum V₀ concentration values for the hazardous waste that occur during that averaging period used for the waste determination;

B) The operating conditions or circumstances under which the V₀ concentration of the hazardous waste will be equal to or greater than 100 ppmw; and

C) The information and calculations used by the owner or operator to determine the average V₀ concentration of the hazardous waste.

35) Direct V₀ procedures using direct measurement to determine average V₀ concentration of a hazardous waste at the point of waste origination. The owner or operator shall identify and record the point of waste origination for the hazardous waste. All waste samples used to determine the average V₀ concentration of the hazardous waste must be collected at this point:

B) The owner or operator shall designate and record the averaging period to be used for determining the average V₀ concentration for the hazardous waste. The averaging period must not exceed one year. An initial waste determination must be performed for each averaging period.

B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste origination in a manner such that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i) The averaging period to be used for determining the average V₀ concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.

ii) A sufficient number of samples, but no less than four samples, must be collected for the hazardous waste stream to represent the complete range of compositions and fluctuations that occur during the entire averaging period and seasonal variations in the operating conditions for the source or process generating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

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iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected such that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in test methods for analyzing soils and sludges (Physical/Chemical Methods, USEPA Publication SW-846, 700-11-01-01, referenced in 35 Ill. Adm. Code, 720.11-01-01, Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.11-01-01).

6) The owner or operator shall identify each discrete quantity of the material composing the hazardous waste represented by the averaging period designated in subsection (a)(5)(B) above. An example of a discrete quantity of material composing a hazardous waste generated as part of a continuous process is the quantity of material generated during a process operating mode defined by a specific set of operating conditions that are normal for the process. An example of a discrete quantity of material composing a hazardous waste generated as part of a batch process that is performed repeatedly but not necessarily continuously is the total quantity of material composing a single batch generated by the process. An example of a discrete quantity of material composing a hazardous waste delivered to a facility in a container is the total quantity of material held in the container.

C) Analysis. Each collected sample must be prepared and analyzed in accordance with one or more of the methods listed in subsections (a)(3)(C)(i) through (a)(3)(C)(ix), including appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.11-01-01 is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accurately reflects all organic compounds in the waste stream and that the waste determination includes at least one fraction in the gas phase and one fraction in the liquid phase (0.1 V₀/X) which can also be expressed as

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- 1.8 X 10⁻⁶ atmospheres/gram-mole/m(3) at 25°C (77°F). Each of the analytical methods listed in subsections (a)(3)(C)(ii) through (a)(3)(C)(vii) of this Section has an associated list of approved chemical compounds, for which USEPA considers the method appropriate for measurement. If an owner or operator uses USEPA Method 624, 625, 1624, or 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in 40 CFR 136.4 and 136.5, incorporated by reference in 35 Ill. Adm. Code 720.111, must be followed. If an owner or operator uses USEPA Method 8260(B) or 8270(C) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the procedures in subsection (a)(3)(C)(viii) of this Section must be followed. At the owner's or operator's discretion, the concentration of each individual chemical constituent measured in the waste by a method other than Method 25D may be corrected to the concentration had it been measured using Method 25D by multiplying the measured concentration by the constituent-specific adjustment factor (f_{m25D}), as specified in subsection (a)(4)(C) of this Section. Constituent-specific adjustment factors (f_{m25D}) can be obtained by contacting the USEPA, Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711.
- i) Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- ii) Method 624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- iii) Method 625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Perform corrections to the compounds for which the analysis is being conducted based on the "accuracy as recovery" using the factors in Table 7 of the method.
- iv) Method 1624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- v) Method 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- vi) Method 8260(B) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8260(B). The quality assurance program must include the

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- elements set forth in subsection (a)(3)(E) of this Section.
- vii) Method 8270(C) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8270(C). The quality assurance program must include the elements set forth in subsection (a)(3)(E) of this Section.
- viii) Any other USEPA standard method that has been validated in accordance with "Alternative Validation Procedure for USEPA Waste and Wastewater Methods", 40 CFR 63, appendix D, incorporated by reference in 35 Ill. Adm. Code 720.111. As an alternative, other USEPA standard methods may be validated by the procedure specified in subsection (a)(3)(C)(ix) of this Section.
- ix) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 in 40 CFR 63, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other Sections of Method 301 are not required.
- B) The following procedure must be used to measure the Vg concentration for each discrete quantity of material identified in subsection (a)(5)(c) above:
- i) A sufficient number of samples, but in no case fewer than four, must be collected to represent the organic composition of the entire discrete quantity of hazardous waste being tested. All of the samples must be analyzed within a 1-hour period. Sufficient information must be prepared and recorded to document the quantity represented by the samples and, as applicable, the operating conditions for the source or process generating the hazardous waste represented by the sample.
- ii) Each sample must be collected in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in Section 720.111.
- iii) Each collected sample must be prepared and analyzed in

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accordance with the requirements of Method-25B-in-40 CFR--60--appendix-A, incorporated by reference in 35 Ill. Adm. Code 720.111.

iv) The measured-VG-concentration-for--the--discrete quantity-of--hazardous--waste--must--be--determined by using--the--results--for--all--samples--analyzed--in accordance--with--sub-section--(a)(5)(B)(i)-(ii)--above--and the following equation:

$$C = \frac{1}{n} \sum_{i=1}^n C_i$$

Where:

C = Measured-VG-concentration-of-the-discrete-quantity of-hazardous-waste-in-ppmw.

i = Individual-sample--#--of--the--hazardous--waste collected--in--accordance--with--the--requirements--of SW-846.

n = Total-number--of--samples--of--hazardous--waste collected--(at-least-4)--within-a-1-hour-period.

C_{ij} = VG-concentration-measured-by-Method-25B-for sample-# j , in-ppmw.

B) The average-VG-concentration-of-the-hazardous-waste-must-be determined-using-the-following-procedure:

i) When-the-facility-owner-or-operator-is-the-generator of-the-hazardous-waste--a-sufficient-number--of-VG concentration--measurements--for--the--hazardous-waste must-be-performed-in-accordance-with-the-requirements of--sub-section--(a)(5)(B)--above--to--represent--the complete-range-of-hazardous-waste-organic-compositions and-quantities-that-occur-during-the-entire--averaging period--due-to-normal-variations--in--the-operating conditions--for--each-process-operating-mode--identified as--the--source--of--process-generating-the-hazardous waste.

ii) When--the--facility--owner--or--operator--is--not--the generator-of-the-hazardous-waste--a-sufficient-number of-VG-concentration--measurements--for--the-hazardous waste--must--be--performed--in--accordance--with--the requirements--of--sub-section--(a)(5)(B)--above--to represent--the--complete--range--of--hazardous--waste organic-compositions-and-quantities--that-occur--in--the

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hazardous-waste-as-received-at-the-facility-during-the entire-averaging-period.

iii) Calculations. The average VG concentration (C) on a mass-weighted basis of the hazardous-waste-at-the-point-of waste-origination must be calculated by using the results for all samples analyzed. VG-measurements-performed-in accordance with sub-section (a)(5)(B)(i)-(ii) of this Section above and the following equation:

$$C = \frac{1}{Q(T)} \sum_{i=1}^n Q(i) \times C(i)$$

Where:

C_{ave} = Average VG concentration of the hazardous waste at the point of waste origination on a mass-weighted basis, in ppmw.

i = Individual sample "i" discrete-quantity--#--of the hazardous waste for-which-a-VG-concentration measurement-is-determined-in-accordance-with-the requirements-of-sub-section--(a)(5)(B)--above.

Σn = Total number of samples of the hazardous waste collected (at-least-four) VG--concentration measurements--determined--in--accordance--with--the requirements--of--sub-section--(a)(5)(B)--above for the averaging period (not to exceed one year).

$Q(i)_{avg}$ = Mass quantity-of-the-discrete-quantity of the hazardous waste stream represented by $C(i)$ eff, in kg/hr.

$Q(T)$ = Total mass quantity of the hazardous waste during for the averaging period, in kg/hr.

$C(i)_{eff}$ = Measured VG concentration of sample "i", as discrete-quantity--#--of--the--hazardous--waste determined in accordance with the requirements-of

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subsection (a)(35)(C)(b) of this Section above, in ppmw. The quality assurance program elements required under subsections (a)(3)(C)(vi) and (a)(3)(C)(vii) of this Section are as follows:

- 1) Documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps.
- 2) Measurement of the overall accuracy and precision of the specific procedures.

BOARD NOTE: Subsections (a)(3)(i)(1) and (a)(3)(i)(2) correspond with 40 CFR 265.98(a)(3)(iii)(F)(1), (a)(3)(iii)(F)(2), (a)(3)(iii)(G)(1), and (a)(3)(iii)(G)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

6) Procedure for using knowledge of the waste to determine the average VO concentration of a hazardous waste at the point of waste origination:

A) The owner or operator shall identify and record the point of waste origination for the hazardous waste. All information used to determine the average VO concentration of the hazardous waste must be based on the hazardous waste composition at this point.

B) The owner or operator shall designate and record the averaging period to be used for determining the average VO concentration for the hazardous waste. The averaging period must not exceed one year. An initial waste determination must be performed for each averaging period.

C) The owner or operator shall prepare and record sufficient information that documents the average VO concentration for the hazardous waste. Information may be used that is prepared by either the facility owner or operator or by the generator of the hazardous waste. Examples of information that may be used as the basis for knowledge of the waste include: organic material balances for the source or for the generating waste; VO concentration measurements for the same type of waste performed in accordance with the procedure specified in subsection (a)(3)(b) above; previous individual organic constituent test data for the waste are still applicable to the current waste management practices; documentation that the waste is generated by a process for which no organics containing materials are used; previous test data for other locations managing the same type of waste; or other certification notices, shipping papers, or waste certification notices.

B) If test data other than VO concentration measurements

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performed in accordance with the procedure specified in subsection (a)(3)(b) above are used as the basis for knowledge of the waste, then the owner or operator shall document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use individual organic constituent concentration test data that are valid in accordance with Method 901 in 40 CFR 637 appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, as the basis for knowledge of the waste.

4) Use of owner or operator knowledge to determine average VO concentration of a hazardous waste at the point of waste origination.

A) Documentation must be prepared that presents the information used as the basis for the owner's or operator's knowledge of the hazardous waste stream's average VO concentration. Examples of information that may be used as the basis for knowledge include the following: material balances for the source or process generating the hazardous waste stream; constituent-specific chemical test data for the hazardous waste stream from previous testing that are still applicable to the current waste stream; previous test data for other locations managing the same type of waste stream; or other knowledge based on information included in manifests, shipping papers, or waste certification notices.

B) If test data are used as the basis for knowledge, then the owner or operator shall document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use organic concentration test data for the hazardous waste stream that are validated in accordance with Method 301 in 40 CFR 637 appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, as the basis for knowledge of the waste.

C) An owner or operator using chemical constituent-specific concentration test data as the basis for knowledge of the hazardous waste may adjust the test data to the corresponding average VO concentration value which would have been obtained had the waste samples been analyzed using Method 25D in 40 CFR 607 appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, to adjust these data, the measured concentration for each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor ((1/25D)).

D) In the event that the Agency and the owner or operator

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disagree on a determination of the average VO concentration for hazardous waste stream using knowledge, then the results from a determination of average VO concentration using direct measurement as specified in subsection (a)(3) of this Section must be used to establish compliance with the applicable requirements of this Subpart. The Agency may perform or require that the owner or operator perform this determination using direct measurement.

- b) Waste Determination procedures for treated hazardous waste.
 - 1) An owner or operator shall perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provision of Section 725.983(c)(2) from using air emission controls in accordance with standards specified in Sections 725.985 through Section 725.988, as applicable to the waste management unit.
 - 2) The owner or operator shall perform a waste determination for each discrete quantity of treated hazardous waste as follows:
 - A) When the hazardous waste is treated by a continuous process the owner or operator shall:
 - i) Perform an initial waste determination for the treated waste stream before the first time any portion of the material in the waste stream is placed in a waste management unit; subject to this Subpart, and thereafter update the information used for the waste determination at least once every 12 months following the date of the initial waste determination; and
 - ii) Perform a new waste determination whenever changes to the hazardous waste streams fed to the process are reasonably likely to cause the characteristics of the hazardous waste at the point of waste treatment to change to levels that fail to achieve the applicable conditions specified in Section 725.983(c)(2);
 - B) When the hazardous waste is treated by a batch process that is performed repeatedly but not necessarily continuously the owner or operator shall:
 - i) Perform an initial waste determination for the treated hazardous waste in one of two representative batches treated by the process, and thereafter update the information used for the waste determination at least once every 12 months following the date of the initial waste determination; and
 - ii) Perform a new waste determination whenever changes to the hazardous waste treated by the process are reasonably likely to cause the characteristics of the hazardous waste at the point of waste treatment to change to levels that fail to achieve the applicable conditions specified in Section 725.983(c)(2).
 - 2) The owner or operator shall designate and record the specific

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provision in Section 725.983(c)(2) under for which the waste determination is being performed. The waste determination for the treated hazardous waste must be performed using the applicable procedures specified in subsections (b)(34) through (b)(94B) of this Section below.

- 34) Procedure to determine the average VO concentration of a hazardous waste at the point of waste treatment.

- A) Identification. The owner or operator shall identify and record the point of waste treatment for the hazardous waste. All waste samples used to determine the average VO concentration of the hazardous waste must be collected at this point.
- B) The owner or operator shall designate and record the averaging period to be used for determining the average VO concentration for the hazardous waste. The averaging period must exceed one year. An initial waste determination must be performed for each averaging period.
- C) The owner or operator shall identify each discrete quantity of the material composing the hazardous waste represented by the averaging period designated in subsection (b)(4)(B) above.
- D) The following procedure shall be used to measure the VO concentration for each discrete quantity of material identified in subsection (b)(4)(C) above:
 - i) A sufficient number of samples but in no case fewer than four samples must be collected to represent the organic composition for the entire discrete quantity of hazardous waste being tested. All of the samples must be collected within a 1-hour period. Sufficient information must be prepared and recorded to document the waste quantity represented by the samples and as applicable the operating conditions for the process treating the hazardous waste represented by the samples.
 - ii) Each sample must be collected in accordance with the requirements specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods incorporated by reference in 35 Ill. Adm. Code 720.111.
 - iii) Each collected sample must be prepared and analyzed in accordance with the requirements of Method 25P in 40 CFR 607 appendix A incorporated by reference in 35 Ill. Adm. Code 720.111.
 - iv) The measured VO concentration for the discrete quantity of hazardous waste must be determined by using the results of all samples analyzed in accordance with subsection (b)(4)(B)(iii) above and the following equation:

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specified in subsection (a)(4)(C) of this Section. Constituent-specific adjustment factors (f_{lm25D}) can be obtained by contacting the USEPA, Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711.

ii) Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

iii) Method 624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

iv) Method 675 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Perform corrections to the compounds for which the analysis is being conducted based on the "accuracy as recovery" using the factors in Table 7 of the Method.

v) Method 1024 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

vi) Method 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

vii) Method 8260(B) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8260(B). The quality assurance program must include the elements set forth in subsection (b)(3)(E) of this Section.

viii) Method 8270(C) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8270(C). The quality assurance program must include the elements set forth in subsection (b)(3)(E) of this Section.

ix) Any other USEPA standard method that has been validated in accordance with "Alternative Validation Procedure for EPA Waste and Wastewater Methods", 40 CFR 63, appendix D, incorporated by reference in 35 Ill. Adm. Code 720.111. As an alternative, other EPA standard methods may be validated by the procedure specified in subsection (b)(3)(C)(ix) of this Section.

x) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1, Section 5.3, and the corresponding calculations in Section 6.3, of Method 301 in 40 CFR 63, appendix A. The data are acceptable if they meet the criteria specified in Section 6.11.3 of this Section.

xi) If correction is required under 6.3.3 of Method 301, If correction is required under

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Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other Sections of Method 301 are not required.

ii) The average VO concentration of the hazardous waste at the point of waste treatment must be determined using the following procedure:

1) When the facility owner or operator is the generator of the hazardous waste, a sufficient number of VO concentration measurements for the hazardous waste must be performed in accordance with the requirements of subsection (b)(4)(b) above to represent the complete range of hazardous waste organic compositions and quantities treated by the process during the entire averaging period.

2) Calculations. The average VO concentration (C) on a mass-weighted basis of the hazardous waste at the point of waste treatment must be calculated by using the results for waste samples analyzed VO measurements performed in accordance with subsection (b)(34)(C) of this Section above and the following equation:

$$C_{ave} = \frac{\sum_{i=1}^n Q_i \times C_i}{\sum_{i=1}^n Q_i}$$

$$C = \frac{1}{Q} \sum_{i=1}^n Q_i \times C_i$$

Where:

C_{ave} = Average VO concentration of the hazardous waste at the point of waste treatment on a mass-weighted basis of origin, in ppmw.

i = Individual sample "i" discrete quantity of the hazardous waste for which a VO concentration measurement is determined in accordance with the requirements of subsection (b)(4)(b) above.

n = Total number of samples of the hazardous waste collected (at least 4) VO concentration measurements determined in accordance with the requirements of subsection (b)(4)(b) above for the averaging period (not to exceed 1 year).

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$Q[i]E[j]$ = Mass of the discrete quantity of the hazardous waste stream represented by $C[i]$ $E[j]$, in kg/Hr.

$Q(T)$ = Total mass quantity of the hazardous waste during for the averaging period, in kg/Hr.

$C[i]$ $E[j]$ = Measured VO concentration of sample "i", as discrete quantity--"j" for the hazardous waste determined in accordance with the requirements of subsection (b)(45)(A) of this Section above, in ppmw.

(45) Procedure to determine the exit concentration limit ($C(t)$) for a treated hazardous waste.

- The point of waste origination for each hazardous waste treated by the process at the same time must be identified.
- If a single hazardous waste stream is identified in subsection (b)(45)(A) of this Section above, then the exit concentration limit ($C(t)$) must be 500 \pm 100 ppmw.
- If more than one hazardous waste stream is identified in subsection (b)(45)(A) of this Section above, then the average VO concentration of each hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a) of this Section above. The exit concentration limit ($C(t)$) must be calculated by using the results determined for each individual hazardous waste stream and the following equation:

$$C(t) = \frac{\sum_{x=1}^n Q(x) \times \bar{C}(x) + \sum_{y=1}^n Q(y) \times 500 \pm 100 \text{ ppmw}}{x=1 \quad y=1}$$

$$\sum_{x=1}^n Q(x) + \sum_{y=1}^n Q(y)$$

Where:

$C(t)$ = Exit concentration limit for treated hazardous waste, in ppmw.

x = Individual hazardous waste stream "x" that has an average \bullet VO concentration less than 500 \pm 100 ppmw at the point of waste origination, as determined in accordance with the requirements of Subsection (a) of this Section Section-725-904(e).

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y = Individual hazardous waste stream "y" that has an average \bullet VO concentration equal to or greater than 500 \pm 100 ppmw at the point of waste origination, as determined in accordance with the requirements of Subsection (a) of this Section Section-725-904(e).

m = Total number of "x" hazardous waste streams treated by process.

n = Total number of "y" hazardous waste streams treated by process.

$Q(x)$ = Annual mass quantity of hazardous waste stream "x", in kg/yr.

$Q(y)$ = Annual mass quantity of hazardous waste stream "y", in kg/yr.

$\bar{C}(x)$ = Average VO concentration of hazardous waste stream "x" at the point of waste origination, as determined in accordance with the requirements of Subsection (a) of this Section Section-725-904(e), in ppmw.

(56) Procedure to determine the organic reduction efficiency (R) for a treated hazardous waste.

- The organic reduction efficiency (B) for a treatment process must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.
- All the points of each hazardous waste streams entering the process and all each hazardous waste streams exiting the treatment process that is to be included in the calculation of the organic reduction efficiency of the process must be identified. The operator shall prepare a sampling plan for measuring these streams that accurately reflects the retention time of the hazardous waste in the process.
- For each run the following information must be determined for each hazardous waste stream identified in subsection (b)(56)(B) of this Section above, using the following procedures:
 - The mass quantity of each hazardous waste stream entering the process ($Q(b)$) and the mass quantity of each hazardous waste stream exiting the process ($Q(a)$) must be determined.
 - The average VO concentration at the point of waste origination of each hazardous waste stream entering

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the process (C(b)) during the run must be determined measured in accordance with the requirements of subsections (a)(35) of this Section (b)(1) through (b)(5)(b)(7) below. The average VO concentration at the process must be determined in accordance with the requirements of subsection (C) during the run must be determined in accordance with the requirements of subsection (b)(34) of this Section (b) below. Samples must be collected as follows: For a continuous process, the samples of the hazardous waste entering and samples of the hazardous waste exiting the process must be collected concurrently. For a batch process, the samples of the hazardous waste entering the process must be collected at the time that the hazardous waste is placed in the process. The samples of the hazardous waste exiting the process must be collected as soon as practicable after the time when the process stops operation or the final treatment cycle ends.

D) The waste volatile organic mass flow entering the process (E(b)) and the waste volatile organic mass flow exiting the process (E(a)) must be calculated by using the results determined in accordance with subsection (b)(56)(C) of this Section above and the following equations:

$$E(b) = \frac{1}{10(6)} \sum_{j=1}^m Q(b)_j \times \overline{C(b)_j}$$

$$E(a) = \frac{1}{10(6)} \sum_{j=1}^m Q(a)_j \times \overline{C(a)_j}$$

$$E(b) = \frac{1}{10(6)} \sum_{j=1}^m Q(b)_j \times \overline{C(b)_j}$$

$$E(a) = \frac{1}{10(6)} \sum_{j=1}^m Q(a)_j \times \overline{C(a)_j}$$

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Where:

E(a) = Waste volatile organic mass flow exiting the process, in kg/hr.

E(b) = Waste volatile organic mass flow entering the process, in kg/hr.

m = Total number of runs (at least 3)

j = Individual run "j"

Q(b) = Mass quantity of hazardous waste entering the process during run "j", in kg/hr.

Q(a) = Average mass quantity of waste exiting the process during run "j", in kg/hr.

$\overline{C(a)}$ = Average Measured VO concentration of hazardous waste exiting the process during run "j", as determined in accordance with the requirements of subsection Section 725.984 (a)(35)(b)(7) through (b)(7)(b)(7) of this Section, in ppmv.

$\overline{C(b)}$ = Average Measured VO concentration of hazardous waste entering the process during run "j", as determined in accordance with the requirements of subsection Section 725.984 (a)(35)(b)(7) through (b)(7)(b)(7) of this Section, in ppmv.

E) The organic reduction efficiency of the process must be calculated by using the results determined in accordance with subsection (b)(56)(D) of this Section above and the following equation:

$$R = \frac{E(b) - E(a)}{E(b)} \times 100\%$$

Where:

R = Organic reduction efficiency, in percent.

E(b) = Waste volatile organic mass flow entering the process as determined in accordance with the requirements of subsection (b)(56)(D) of this Section above, in kg/hr.

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- c) requirements of subsection (b)(56)(D) of this Section above. The actual organic mass removal rate (MR) must be calculated by using the mass flow rate results determined in accordance with the requirements of subsection (b)(89)(B) of this Section above and the following equation:

$$MR = E(b) - E(a)$$

Where:

MR = Actual organic mass removal rate, in kg/hr.

E(b) = Waste volatile organic mass flow entering process, as determined in accordance with the requirements of subsection (b)(56)(D) of this Section above, in kg/hr.

E(a) = Waste volatile organic mass flow exiting process, as determined in accordance with the requirements of subsection (b)(56)(D) of this Section above, in kg/hr.

- 910) Procedure to determine the actual organic mass biodegradation rate (MR(bio)) for a treated hazardous waste.

A) The actual organic mass biodegradation rate (MR(bio)) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.

B) The waste organic mass flow entering the process (E(b)) must be determined in accordance with the requirements of subsection (b)(54)(f)(D) of this Section above.

C) The fraction of organic biodegraded (F(bio)) must be determined using the procedure specified in 40 CFR Part 63, appendix C, incorporated by reference in 35 Ill. Adm. Code 720.111.

D) The actual organic mass biodegradation rate (MR(bio)) must be calculated by using the mass flow rates and fraction of organic biodegraded determined in accordance with the requirements of subsection (b)(54)(f)(D) and (b)(54)(g)(C) of this Section above and the following equation:

$$MR(bio) = E(b) \times F(bio)$$

Where:

MR(bio) = Actual organic mass biodegradation rate, in kg/hr.

E(b) = Waste organic mass flow entering the process,

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- as determined in accordance with the requirements of subsection (b)(56)(D) of this Section above, in kg/hr. F(bio) = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(54)(g)(C) of this Section above.

c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank

- 1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 air-emission controls in accordance with standards specified in Section 725.995(c).

- 2) An owner or operator shall use either direct measurement, as specified in subsection (c)(3) of this Section above, or knowledge of the waste, as specified by subsection (c)(4) of this Section above, to determine the maximum organic vapor pressure that is representative of the hazardous waste composition stored or treated in the tank.

- 3) Direct measurement to determine the maximum organic vapor pressure of a hazardous waste to determine the maximum organic vapor pressure of the hazardous waste by direct measurement; the following procedure must be used:

- A) The waste contained in the tank must be collected to be representative of the waste contained in the tank. All samples Sampling must be conducted and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste are collected such that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" in USEPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

- B) Analysis. Any appropriate one of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure of the hazardous waste:
 - 1) Method 25E in 40 CFR 60, appendix A, incorporated by

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- reference in 35 Ill. Adm. Code 720.111;
- ii) Methods described in American Petroleum Institute Publication 51, incorporated by reference in 35 Ill. Adm. Code 720.111;
 - iii) Methods obtained from standard reference texts;
 - iv) ASTM Method D 2819-92, incorporated by reference in 35 Ill. Adm. Code 720.111; or
 - v) Any other method approved by the Agency for this use by the owner-operator.
- 4) To determine the maximum organic vapor pressure of the hazardous waste by knowledge sufficient information must be prepared and recorded that documents the maximum organic vapor pressure of the hazardous waste in the tank. Examples of information that may be used include: documentation that the waste is generated by a process for which no organics containing materials are used or that the waste is generated by a process for which at other locations it previously has been determined by direct measurement that the maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate design capacity category specified for the tank;
- 4) Use of knowledge to determine the maximum organic vapor pressure of the hazardous waste. Documentation must be prepared and recorded that presents the information used as the basis for the owner's or operator's knowledge that the maximum organic vapor pressure of the hazardous waste is less than the maximum vapor pressure limit listed in Section 725.985(b)(1)(A) for the applicable tank design capacity category. An example of information that may be used is documentation that the hazardous waste is generated by a process for which at other locations it previously has been determined by direct measurement that the maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category.
- d) Procedure for determining no detectable organic emissions for the purpose of complying with this Subpart:
- 1) The test must be conducted in accordance with the procedures specified in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices must be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to any of the following: the interface of the cover and its foundation mounting, the periphery of any opening on the cover and its associated closure device, and the sealing seal interface on a spring-loaded pressure relief valve.
 - 2) The test must be performed when the unit contains a hazardous waste having an organic concentration representative of the range

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- of concentrations for the hazardous waste expected to be managed in the unit. During the test, the cover and closure devices must be secured in the closed position.
- 2) The detection instrument must meet the performance criteria of Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, except the instrument response factor criteria in Section 3.1.2(a) of Method 21 must be the average composition of the organic constituents in the hazardous waste placed in the waste management unit, not for each individual organic constituent.
- 4) The detection instrument must be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 5) Calibration gases must be as follows:
- A) Zero air (less than 10 ppmv hydrocarbon in air), and
 - B) A mixture of methane in air at a concentration of approximately, but less than, 10,000 ppmv.
- 6) The background level must be determined according to the procedures in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 7) Each potential leak interface must be checked by traversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. In the case when the configuration of the interface, all accessible portions of the interface must be sampled. In the case when the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet must be placed at approximately the center of the exhaust area to the atmosphere.
- 8) The arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 500 ppmv except when monitoring a seal around a rotating shaft that passes through a cover opening, in which case the comparison must be as specified in subsection (d)(9) of this Section. If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.
- 9) For the seals around a rotating shaft that passes through a cover opening, the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 10,000 ppmv. If the difference is less than 10,000 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

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(Source: Amended at 22 Ill. Reg. § 11.1237 effective 01-01-87)

Section 725.985 Standards: Tanks

- a) This Section applies to owners and operators of tanks subject to this following tanks:
- 1) A tank in which all hazardous waste entering the tank meets the conditions specified in Section 725.983(c) or
- 2) A tank used for biological treatment of hazardous waste in accordance with the requirements of Section 725.983(b) references the use of this Section for such purposes.
- b) The owner or operator shall control all pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable place the hazardous waste into one of the following tanks:
- 1) A tank equipped with a cover (e.g., a fixed roof) that is vented through a closed vent system to a control device in accordance with the requirements specified in subsection (d) below;
- 2) A tank equipped with a fixed roof and internal floating roof in accordance with the requirements of Section 725.991;
- 3) A tank equipped with an external floating roof in accordance with the requirements of Section 725.991; or
- 4) A pressure tank that is designed to operate as a closed system such that the tank operates with no detectable organic emissions at all times that hazardous waste is in the tank except as provided for in subsection (g) below.
- c) As an alternative to complying with subsection (b) above, an owner or operator may place hazardous waste in a tank equipped with a cover (e.g., a fixed roof) meeting the requirements specified in subsection (d) below when the hazardous waste is determined to meet all of the following conditions:
- 1) The hazardous waste is neither mixed stirred agitated nor circulated within the tank by the owner or operator using a process that results in splashing, frothing or visible turbulent flow on the waste surface during normal process operations;
- 2) The hazardous waste in the tank is not heated by the owner or operator except during conditions requiring that the waste be heated to prevent the waste from freezing or to maintain adequate waste flow conditions for continuing normal process operations;
- 3) The hazardous waste stabilizes and is not treated by the owner or operator using a waste stabilization process or a process that produces an exothermic reaction; and
- 4) The maximum organic vapor pressure of the hazardous waste in the tank as determined using the procedure specified in Section

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- 725.984(c) is less than the following applicable value:
- For a tank that manages hazardous waste which meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control the pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c) of this Section or the Tank Level 2 controls specified in subsection (d) of this Section.
- A) Hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category, as follows:
- 1) A) For a tank design capacity is equal to or greater than 151 m(3) (5333 ft(3) or 39,887 gal), then the maximum organic vapor pressure limit for the tank is must be less than 5.2 kPa (0.75 psia or 39 mm Hg);
- 2) B) For a tank design capacity is equal to or greater than 75 m(3) (2649 ft(3) or 19,810 gal) but less than 151 m(3) (5333 ft(3) or 39,887 gal), then the maximum organic vapor pressure limit for the tank is must be less than 27.6 kPa (4.0 psia or 207 mm Hg); or
- 3) C) For a tank design capacity is less than 75 m(3) (2649 ft(3) or 19,810 gal), then the maximum organic vapor pressure limit for the tank is must be less than 76.6 kPa (11.1 psia or 574 mm Hg).
- d) Go comply with subsection (b)(1) above the owner or operator shall design, install, operate and maintain a cover that vents the organic vapors emitted from hazardous waste in the tank through a closed vent system connected to a control device:
- 1) The cover must be designed and operated to meet the following requirements:
- A) The cover and all cover openings (e.g., access hatchway, sampling ports, and gauge wells) must be designed to operate with no detectable organic emissions when all cover openings are secured in a closed sealed position.
- B) Each cover opening must be designed in a closed sealed position. Each cover opening must be designed in a closed sealed position. Each cover opening must be designed in a closed sealed position. Each cover opening must be designed in a closed sealed position.
- 2) The closed vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.
- e) The owner or operator shall install, operate and maintain enclosed pipes or other closed systems for the transfer of hazardous waste as described in subsection (e)(1) or (e)(2) below:
- 1) BARR-NPBE: U.S. EPA considers a drain system that meets the requirements of 40 CFR 61.346(a)(1) or (b)(3) to be a closed system. The Board intends that this meaning be included in

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the use of that term for the purposes of this Subpart:

- 1) Transfer all hazardous waste to the tank from another tank surface impoundment or container subject to this Subpart, except for those hazardous wastes that meet the conditions specified in Section 725.983(c); and
- 2) Transfer all hazardous waste from the tank to another tank surface impoundment or container subject to this Subpart, except for those hazardous wastes that meet the conditions specified in Section 725.983(c);
- 3) Each cover opening must be secured in a closed, sealed position (e.g., covered by a gasketed lid) at all times that hazardous waste is in the tank except when it is necessary to use the cover opening to:
 - 1) Add, remove, inspect or sample the material in the tank;
 - 2) Inspect, maintain, repair or replace equipment located inside the tank; or
 - 3) Vent gases or vapors from the tank to a closed-vent system connected to a control device that is designed and operated in accordance with the requirements of Section 725.988.
- 9) One or more safety devices that vent directly to the atmosphere may be used on the tank's cover, closed-vent system, or control device provided each safety device meets all of the following conditions:
 - 1) The safety device is not used for planned or routine venting of organic vapors from the tank or the closed-vent system connected to a control device; and
 - 2) The safety device remains in a closed, sealed position at all times except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the tank's cover, closed-vent system, or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive or other hazardous materials. An example of an unplanned event is a sudden power outage.
- B) The hazardous waste in the tank is not heated by the owner or operator at a temperature that is greater than the boiling point of the hazardous waste, as determined for the purpose of complying with subsection (b)(1)(A) of this Section.
- C) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process, as defined in Section 725.991.
- 2) For a tank that manages hazardous waste that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of subsection (d) of this Section. Examples of tanks required to use Tank Level 2 controls include the following: a tank used for a waste stabilization process and a tank for which the hazardous waste in

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the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category, as specified in subsection (b)(1)(A) of this Section.

- C) Owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls shall meet the requirements specified in subsections (c)(1) through (c)(4) of this Section.
 - 1) The owner or operator shall determine the maximum organic vapor pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 725.984(c). Thereafter, the owner or operator shall perform a new determination whenever changes to the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in subsection (b)(1)(A) of this Section, as applicable to the tank.
 - 2) The tank must be equipped with a fixed roof designed to meet the following specifications:
 - A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank's structural design (e.g., a horizontal cylindrical tank equipped with a hatch).
 - B) The fixed roof must be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.
 - C) Each joint in the fixed roof must be either:
 - i) Equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or
 - ii) Connected by a closed-vent system that is vented to a control device. The control device must remove or destroy organic vapors in the vent stream, and it must be operating whenever hazardous waste is managed in the tank.
 - D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and which will maintain the integrity of the fixed roof and

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Closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

- 3) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:

A) Opening of closure devices or removal of the fixed roof is allowed at the following times:

- 1) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

- 2) To remove accumulated sludge or other residues from the bottom of the tank.

B) Opening of a spring-loaded pressure-vacuum relief valve, consisting of a vent, or similar type of pressure relief device which vents to the atmosphere, is allowed during normal operations for the purpose of maintaining the normal internal pressure in accordance with the tank design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations; applicable regulations; fire protection and prevention codes; standard engineering codes and practices; or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

- C) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid

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an unsafe condition.

- 4) The owner or operator shall inspect the air emission control equipment in accordance with the following requirements:

A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The owner or operator shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year, except under the special conditions provided for in subsection (i) of this Section.

C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.920(b).

- 5) Owners and operators controlling air pollutant emissions from a tank using Tank Label 2 shall use one of the following tanks:

1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e) of this Section;

2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f) of this Section;

3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g) of this Section;

4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h) of this Section; or

5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i) of this Section.

- 6) The owner or operator that controls air pollutant emissions from a tank using a fixed-roof with an internal floating roof shall meet the requirements specified in subsections (e)(1) through (e)(3) of this Section.

1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:

A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

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B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:

- i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in Section 725.981; or
- ii) Two continuous seals mounted one of this Section the other. The lower seal may be a vapor-mounted seal.

C) The internal floating roof must meet the following specifications:

- i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.
- ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stairways.
- iii) Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90% of the opening.
- iv) Each automatic bleeder vent and rim space vent must be gasketed.
- v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.
- vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.

2) The owner or operator shall operate the tank in accordance with the following requirements:

- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
- B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
- C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents are to be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.

3) The owner or operator shall inspect the internal floating roof in

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accordance with the procedures specified as follows:

A) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, the following: when the internal floating roof is not floating on the surface of the liquid inside the tank; when liquid has accumulated on top of the internal floating roof; when any portion of the roof seals have detached from the roof rim; when holes, tears, or other openings are visible in the seal fabric; when the gaskets no longer close off the hazardous waste surface from the atmosphere; or when the slotted membrane has more than 10% open area.

B) The owner or operator shall inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C) of this Section:

- i) Visually inspect the internal floating roof components through openings on the fixed-roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill, and
 - ii) Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time every 10 years, emptied and degassed and at least once every five years.
- C) As an alternative to performing the inspections specified in subsection (e)(3)(B) of this Section for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.
- D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:
- i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned, as provided for in subsection (e)(3)(D)(ii) of this Section.

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- iii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written notification for the visual inspection. The notification shall be sent to the Agency by the owner or operator, and shall be sent to the Regional Administrator so that it is received by the Regional Administrator at least seven calendar days before refilling the tank.
- E) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.
- F) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).
- F) The owner or operator that controls air pollutant emissions from a tank using an external floating roof shall meet the requirements specified in subsections (f)(1) through (f)(3) of this Section.
- 1) The owner or operator shall design the external floating roof in accordance with the following requirements:
- The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.
 - The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.
- 1) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in Section 725.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm²) per meter (10.0 in(2) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm) (0.15 inches). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 centimeters above the liquid surface.
- ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must

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- not exceed 21.2 cm(2) per meter (1.0 in(2) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm (0.5 inch).
- C) The external floating roof must meet the following specifications:
- Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a floating roof must be closed at all times.
 - Except for automatic floating roof, must provide a no-leakage connection below the liquid surface.
 - Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid.
 - Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position.
 - Each automatic bleeder vent and each rim space vent must be equipped with a gasket.
 - Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90% of the area of the opening.
 - Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible fabric sleeve seal.
 - Each unslotted guide pole must be equipped with a gasketed cap on the end of the pole.
 - Each slotted guide pole must be equipped with a gasketed float or other device which closes off the liquid surface from the atmosphere.
 - Each gauge hatch and each sample well must be equipped with a gasketed cover.
- 2) The owner or operator shall operate the tank in accordance with the following requirements:
- When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
 - Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access.
 - Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position.
 - Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
 - Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when

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the pressure beneath the rim seal exceeds the manufacturer's recommended setting.

F) The cap on the end of each unsloated guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.

G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access.

H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.

3) The owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows:

A) The owner or operator shall measure the external floating roof seal gaps in accordance with the following requirements:

i) The owner or operator shall perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.

ii) The owner or operator shall perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year.

iii) If a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank must be considered an initial operation for the purposes of this Section.

iv) The owner or operator shall determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure set forth in subsection (f)(4)(D) of this Section.

v) In the event that the seal gap measurements do not conform to the specifications in subsection (f)(1)(B) of this Section, the owner or operator must repair the defect in accordance with the requirements of subsection (k) of this Section.

vi) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.950(b).

B) The owner or operator shall visually inspect the external floating roof in accordance with the following requirements:

i) The floating roof and its closure devices must be

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visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to any of the following: holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged of this Section the surface of the liquid in the tank, broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

iii) The owner or operator shall perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (l) of this Section.

iii) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

iv) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.950(b).

C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:

i) Prior to each inspection to measure external floating roof seal gaps as required under subsection (f)(3)(A) of this Section, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed.

ii) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank except when an inspection is not planned, as provided for in subsection (f)(3)(C)(iii) of this Section.

iii) When a visual inspection is not planned and the owner

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or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least seven calendar days before refilling the tank.

D) Procedures for determining gaps in the primary seal and in the secondary seal for the purposes of subsection (f)(3)(B)(iv) of this Section:

- i) The seal gap assessment must be performed at one or more floating roof levels when the roof is floating off the roof supports.
- ii) Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32-cm (1/8-inch) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.
- iii) For a gap surface area under this subsection, (f)(3), the seal gap surface area must be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

iv) The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal perimeter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type, as specified in subsection (f)(1)(B) of this Section.

NOTE: Subsections (f)(3)(D)(i) through (f)(3)(D)(iv) correspond with 40 CFR 265.108(f)(3)(D)(i) through (f)(3)(D)(iv), which the Board has modified here to comport with Illinois Administrative Code format requirements.

g) The owner or operator that controls airborne emissions from a tank by venting the tank to a control device shall meet the requirements specified in subsections (g)(1) through (g)(3) of this Section.

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1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

- A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.
- B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.
- C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.
- D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

2) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device except as follows:

- A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:
 - 1) To provide access to the tank for performing routing inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or

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operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

(1) To remove accumulated sludge or other residues from the bottom of a tank.

(b) Opening of a safety device, as defined in Section 725.981, is allowed at any time, such conditions require doing so to avoid an unsafe condition.

(3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

(a) The fixed test and the closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to any of the following: visible cracking, holes, or gaps in the test section or between the test and the tank walls; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing bolts, screws, covers, caps, or other closure devices.

(b) The closed vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 725.988.

(c) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year, except for the special conditions provided for in subsection (4) of this Section.

(d) In the event that a defect is detected, the owner or operator shall report the defect in accordance with the requirements of subsection (k) of this Section.

(e) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.989(1).

(b) The owner or operator that controls air pollutant emissions by using a pressure tank must meet the following requirements:

(1) The tank shall be designed and vented to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity.

(2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions as determined by the procedure specified in Section 725.981(c).

(3) Whenever a tank, drum, or other container, the tank must be equipped as a closed system that does not vent to the atmosphere in the event that a safety device, as defined in Section 725.981, is required to open to avoid an unsafe condition.

(4) The owner or operator that controls air pollutant emissions by using an enclosure vented through a closed vent system to an enclosed

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combustion control device shall meet the requirements specified in subsection (1)(1) through (1)(4) of this Section.

(1) The tank must be designed and operated in accordance with the following procedures:

(a) The tank must be designed and operated in accordance with the following procedures:

(i) The tank must be designed and operated in accordance with the following procedures:

(ii) The tank must be designed and operated in accordance with the following procedures:

(iii) The tank must be designed and operated in accordance with the following procedures:

(iv) The tank must be designed and operated in accordance with the following procedures:

(v) The tank must be designed and operated in accordance with the following procedures:

(vi) The tank must be designed and operated in accordance with the following procedures:

(vii) The tank must be designed and operated in accordance with the following procedures:

(viii) The tank must be designed and operated in accordance with the following procedures:

(ix) The tank must be designed and operated in accordance with the following procedures:

(x) The tank must be designed and operated in accordance with the following procedures:

(xi) The tank must be designed and operated in accordance with the following procedures:

(xii) The tank must be designed and operated in accordance with the following procedures:

(xiii) The tank must be designed and operated in accordance with the following procedures:

(xiv) The tank must be designed and operated in accordance with the following procedures:

(xv) The tank must be designed and operated in accordance with the following procedures:

(xvi) The tank must be designed and operated in accordance with the following procedures:

(xvii) The tank must be designed and operated in accordance with the following procedures:

(xviii) The tank must be designed and operated in accordance with the following procedures:

(xix) The tank must be designed and operated in accordance with the following procedures:

(xx) The tank must be designed and operated in accordance with the following procedures:

(xxi) The tank must be designed and operated in accordance with the following procedures:

(xxii) The tank must be designed and operated in accordance with the following procedures:

(xxiii) The tank must be designed and operated in accordance with the following procedures:

(xxiv) The tank must be designed and operated in accordance with the following procedures:

(xxv) The tank must be designed and operated in accordance with the following procedures:

(xxvi) The tank must be designed and operated in accordance with the following procedures:

(xxvii) The tank must be designed and operated in accordance with the following procedures:

(xxviii) The tank must be designed and operated in accordance with the following procedures:

(xxix) The tank must be designed and operated in accordance with the following procedures:

(xxx) The tank must be designed and operated in accordance with the following procedures:

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- k) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsections (c)(1-4), (e)(3), (f)(3), or (g)(3) of this Section as follows:
 - 1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair shall be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (h)(2) of this Section.
 - 2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no repair of tank capacity is available at the site to accept the hazardous waste until repaired. In this case, the owner or operator shall maintain the tank in the next time the process or unit that is causing the defect the next time the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.
- l) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:
 - 1) When inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:
 - A) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.
 - B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable Section of this Subpart, as frequently as practicable during those times when a worker can safely access the cover.
 - 2) In the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

Section 725.986 Standards: Surface Impoundments

- a) The provisions of this Section apply to the control of air pollutant emissions from owners and operators of surface

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impoundments for which Section 725.983(b) of this Subpart references the use of this Section for such air emission control, subject to this Subpart into which any hazardous waste is placed except for the following surface impoundments:

- 2) As an alternative to complying with subsection (1) above, an owner may place hazardous waste in a surface impoundment equipped with a floating membrane cover meeting the requirements specified in subsection (1) below when the hazardous waste is determined to meet the following conditions:
 - A) The hazardous waste is neither the stored, agitated, nor circulated within the surface impoundment by the owner or operator using a process that results in splashing, foaming, or variable turbulent flow on the waste surface during normal process operations;
 - B) The hazardous waste in the surface impoundment is not heated by the owner or operator; and
 - C) The hazardous waste in the surface impoundment is not treated by the owner or operator using a waste substitution process or a process that produces an exothermic reaction.
- 3) To comply with subsection (1) above, the owner or operator shall design a tank, operator, and maintain a cover that vents the organic vapors emitted from hazardous waste in the surface impoundment through a closed system connected to a control operator, and maintained at the following design conditions:
 - A) The cover must be designed to prevent the escape of vapors from the sampling port and gauge well; the unit be designed to operate with no detectable organic vapors emitted when the cover openings are not closed;
 - B) Each cover opening must be designed to prevent the escape of vapors from the position where the cover is located when the cover is not closed.

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times that hazardous waste is in the surface impoundment except as provided for in subsection (f) below:

- e) The closed vent system and control device must be designed and operated in accordance with Section 725.988.
- e) To comply with subsection (c) above, the owner or operator shall design, install, operate and maintain a floating membrane cover that meets all of the following requirements:

- 1) The floating membrane cover must be designed, installed, and operated such that at all times when hazardous waste is in the surface impoundment the entire surface area of the hazardous waste is enclosed by the cover and any air spaces underneath the cover are not vented to the atmosphere except during conditions specified in subsection (h) below.
- 2) The floating membrane cover and all cover openings (e.g., access hatches, sampling ports, and gauge wells) must be designed to operate with no detectable organic emissions when all cover openings are secured in a closed sealed position.
- 3) Each cover opening gasketed lid in a closed sealed position shall be designed to prevent the escape of hazardous waste vapors. The surface impoundment except as provided for in subsections (g)(1) through (g)(3) below.
- 4) The synthetic membrane material used for the floating membrane cover must be either:
 - A) High density polyethylene with a thickness no less than 2.5 mm or
 - B) A material or a composite of different materials determined to have the following properties:
 - i) Organic permeability properties that are equivalent to those of the material specified in subsection (f)(4)(A) above; and
 - ii) Chemical and physical properties that maintain the material integrity for as long as the cover is in use.

Factors that must be considered in selecting the material include the effects of contact with the waste managed in the impoundment, weather exposure and cover installation and operation practices.

- f) The owner or operator shall install, operate, and maintain enclosed pipes or other closed systems for the transfer of hazardous waste as described in subsection (f)(1) or (f)(2) below: BQAR-N98B-U.S.-EPA considers a drain system that meets the requirements of 40 CFR 61.346(a)(1) or (b)(1) through (b)(3) to be a "closed system." The Board intends that this meaning be included in the use of that term for the purposes of this Subpart.

- 1) Transfer all hazardous waste to the surface impoundment from another tank, surface impoundment or container subject to this Subpart, except for those hazardous wastes that meet the conditions specified in Section 725.983(c) and
- 2) Transfer all hazardous waste from the surface impoundment to

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another tank, surface impoundment or container subject to this Subpart, except for those hazardous wastes that meet the conditions specified in Section 725.983(c):

- g) Each cover opening must be secured in the closed sealed position (e.g., covered by a gasketed lid or cap) at all times that hazardous waste is in the surface impoundment except when it is necessary to use the cover opening for:

- 1) Add, remove, inspect or sample the material in the surface impoundment;
- 2) Inspect, maintain, repair or replace equipment located adjacent to the cover;
- 3) Remove treatment residues from the surface impoundment in accordance with the requirements of 35 Ill. Adm. Code 728.184; or
- 4) Vent gases or vapors from the surface impoundment to a closed vent system connected to a control device that is designed and operated in accordance with the requirements of Section 725.988.

- h) One or more safety devices that vent directly to the atmosphere may be installed on the cover, closed vent system, or control device provided each device meets all of the following conditions:

- 1) The safety device is not used for planned or routine venting of organic vapors from the surface impoundment or the closed vent system connected to a control device; and
- 2) The safety device remains in a closed, sealed position at all times except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the cover, closed vent system or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive or other hazardous materials. An example of an unplanned event is a sudden power outage.

- c) The owner or operator that controls air pollutant emissions from a surface impoundment using a floating membrane cover must meet the requirements specified in subsections (C)(1) through (C)(3) of this Section.

1) The surface impoundment must be equipped with a floating membrane cover designed to meet the following specifications:

- A) The floating membrane cover must be designed to float on the liquid surface during normal operations and form a continuous barrier over the entire surface area of the liquid.

- B) The cover must be fabricated from a synthetic membrane material that is either:
 - i) High density polyethylene (HDPE) with a thickness no less than 2.5 millimeters (mm) (0.10 inch); or
 - ii) A material or a composite of different materials determined to have both organic permeability

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properties that are equivalent to those of the material listed in subsection (c)(1)(B)(i) of this Section and chemical and physical properties that maintain the material integrity for the intended service life of the material.

C) The cover must be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between cover section seams or between the interface of the cover edge and its foundation mountings.

D) Except as provided for in subsection (c)(1)(E) of this Section, each opening in the floating membrane cover must be equipped with a closure device so designed as to operate such that the closure device is secured in the closed position therein to visible cracks, holes, gaps, or other open spaces in the closure device between the perimeter of the cover opening and the closure device.

E) The floating membrane cover may be equipped with one or more emergency cover drains for removal of stormwater. Each membrane fabric cover must be equipped with a slotted membrane fabric cover that covers at least 90% of the area of the opening or a flexible fabric sleeve seal.

F) The closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the floating membrane cover is installed.

2) Whenever a hazardous waste is in the surface impoundment, the floating membrane cover must float on the liquid and each closure device must be secured in the closed position except as follows:

A) Opening of closure devices or removal of the cover is allowed at the following times:

- 1) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the surface impoundment, when a worker needs to open a hatch to maintain or repair equipment, or when the completion of the activity requires the worker to leave the surface impoundment. Following such activities, the cover and closure device shall promptly replace the cover and secure the closure device in the closed position, as applicable.

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1) To remove accumulated sludge or other residues from the bottom of surface impoundment.

B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator shall inspect the floating membrane cover in accordance with the following procedures:

A) The floating membrane cover and its closure devices must be visually inspected by the owner or operator to check for defects that could result in liquid leaks, emissions, or other unsafe conditions. Inspections shall be limited to visible cracks, holes, gaps, or other open spaces in the cover section seams or between the interface of the cover edge and its foundation mountings; cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The owner or operator shall perform an initial inspection of the floating membrane cover and its closure devices on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (a) of this Section.

C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (f) of this Section.

D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(c).

d) The owner or operator that controls air pollutant emissions from a surface impoundment using a cover vented to a control device shall meet the requirements specified in subsections (d)(1) through (d)(3) of this Section.

1) The surface impoundment must be covered by a cover and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The cover and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the surface impoundment.

B) Each opening in the cover not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace under the floating membrane cover is less than atmospheric pressure, the control device is operating, and the closure devices must be designed to operate such that there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in

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the vapor headspace underneath the cover is equal to or greater than atmospheric pressure when the control device is operating. Portable closure devices must be designed to operate without creating an organic emissions using the procedure specified in Section 725.984(d).

- C) The cover and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the cover and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid or its vapors managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the cover is installed.

- D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

- 2) Whenever a hazardous waste is in the surface impoundment, the cover must be installed with each closure device secured in the closed position and the vapor headspace underneath the cover vented to the control device except as follows:

- A) Venting to the control device is not required, and opening of closure devices or removal of the cover is allowed at the following times:

1) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the surface impoundment.

- i) To remove accumulated sludge or other residues from the bottom of surface impoundment.

- B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- j) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

- A) The surface impoundment cover and its closure devices must be visually inspected by the owner or operator to check for

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defects that could result in air pollutant emissions, defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 725.988.

- C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (3) of this Section.

- D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (f) of this Section.

- E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(c).

- e) The owner or operator shall transfer hazardous waste to a surface impoundment subject to this Section in accordance with the following requirements:

- 1) Transfer of hazardous waste, except as provided in subsection (c)(2) of this Section, to the surface impoundment from another surface impoundment subject to this Section or from a tank subject to Section 725.985 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63. Subpart HH, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 III. Adm. Code 720.111.

- 2) The requirements of subsection (e)(1) of this Section do not apply when transferring a hazardous waste to the surface impoundment under either of the following conditions:

- A) The hazardous waste meets the average VO concentration conditions specified in Section 725.981(c)(1) at the point of waste origination.

- B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 725.981(c)(2).

- f) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(3) or (d)(1) of this Section as follows:

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- 1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible but no later than 32 calendar days after detection except as provided in subsection (f)(2) of this Section.
- 2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the surface impoundment and no alternative capacity is available at the site to accept the hazardous waste normally managed in the surface impoundment. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.

g) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year in the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions. In this case, the owner or operator may designate the cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

- 1) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.
- 2) Develop and implement a written plan and schedule to inspect and monitor the cover using the procedures specified in the applicable Section of this Subpart as frequently as practicable during those times when a worker can safely access the cover.

(Source: Amended at 22 Ill. Reg. 9.144, effective 11/1/1991)

Section 725.987 Standards: Containers

- a) The provisions of this Subpart apply to the control of air pollutant emissions from owners and operators of containers for which Section 725.983(b) references the use of this Section for such air emission control. Having design capacities greater than 0.1 m³ (3.5-ft³) or 26.4 gal, subject to this Subpart into which any hazardous waste is placed, except for a container in which all hazardous waste entering the container meets the conditions specified in Section 725.983(c).
- b) An owner or operator shall manage hazardous waste in containers using the following procedures:
 - i) The owner or operator shall place the hazardous waste into one of the following containers, except when a container is used for

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hazardous waste treatment as required by subsection (b)(2) below.

A) A container that is equipped with a cover that operates with no detectable organic emissions when all container openings (e.g., air sampler hatches, and sampling ports) are secured (e.g., by a lock, seal, or other means) shall be deemed to be a container that operates with no detectable emissions by testing each opening on the container for leaks in accordance with Method 35-111 in 49 CFR 607, appendix A, incorporated by reference in 35-111, Admin. Code 720.111, the first time any portion of the hazardous waste is placed into the container; if a leak is detected and cannot be repaired immediately, the hazardous waste must be removed from the container and the container not used to meet the requirements of this subsection until the leak is repaired and the container is retested.

B) A container having a design capacity less than or equal to 0.46 m³ (16.2-ft³) or 121.5 gal that is equipped with a cover and complies with all applicable 05 Department of Transportation regulations on packaging hazardous waste for transport under 49 CFR part 178, incorporated by reference in 35-111, Admin. Code 720.111:

i) A container that is managed in accordance with the requirements of 49 CFR 178 for the purpose of complying with this Subpart is not subject to any exceptions to the 49 CFR 178 regulations, except as noted in subsection (b)(4)(ii) above;

ii) A lab pack that is managed in accordance with the requirements of 49 CFR 178 for the purpose of complying with this Subpart may comply with the exceptions for combination packagings specified in 49 CFR 173.22(b);

e) A container that is attached to or forms a part of any truck, trailer, or railcar and that has been demonstrated within the preceding 12 months to be organic vapor-tight when all container openings are in a closed, sealed position and the container has been tested in accordance with Method 35-111, Admin. Code 720.111, shall be deemed to be a container that meets the requirements of this subsection; a container is organic vapor-tight if the container sustains a pressure change of not more than 0.75 kPa (0.01 psig or 5.6 mm Hg) within 5 minutes after it is pressurized to a minimum of 4.5 kPa (0.65 psig or 33.7 mm Hg); this condition is to be demonstrated using the pressure test specified in Method 29 of 49 CFR 607, appendix A, incorporated by reference in 35-111, Admin. Code 720.111; and a pressure measurement device that has a precision of ± 2.5 mm water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.

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- 2) An owner or operator treating hazardous waste in a container--by either a waste stabilization process, any process that requires the addition of heat to the waste, or any process that produces an exothermic reaction must meet the following requirements:
- A) Whenever it is necessary for the container to be open during the treatment process, the container must be located inside an enclosure that is vented through a closed vent system to a control device.
- B) The enclosure must be a structure that is designed and operated in accordance with the following requirements:
- i) The enclosure must be a structure that is designed and operated with sufficient airflow into the structure to capture the organic vapors emitted from the hazardous waste in the container and vent the vapors through the closed vent system to the control device.
- ii) The enclosure may have permanent or temporary openings to allow worker access, passage of containers through the enclosure by conveyor or other mechanical means, entry of permanent mechanical or electrical equipment or to direct airflow into the enclosure. The pressure drop across each opening in the enclosure must be maintained at a pressure factor atmospheric pressure, such that whenever an opening is placed into the enclosure, the original negative pressure is maintained. The owner or operator shall determine that enclosure achieves this condition by measuring the pressure drop across each opening in the enclosure. If the pressure within the enclosure is equal to or greater than atmospheric pressure, then the enclosure does not meet the requirements of this Section.
- C) The closed vent system and control device must be designed and operated in accordance with the requirements of Section 735.98b:
- 3) An owner or operator transferring hazardous waste into a container having a design capacity greater than 0.46 m³ (16.2 ft³) or 12.5 gals) shall meet the following requirements:
- A) Hazardous waste transfer by pumping must be performed using a conveyance system that uses a tube (e.g., pipe, hose) to add the waste into the container. During transfer of the waste into the container, the cover must remain in place and all container openings must be maintained in a closed, sealed position except for those openings through which the tube enters the container and as provided for in subsection (c) below. The tube must be positioned in a manner such that either:
- i) The tube must be continuously remains submerged below the waste surface at all times waste is flowing through

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- the tube:
- ii) Lower bottom edge of the tube outlet is located at a distance no greater than two inside diameters of the tube or 15.25 cm (6.09 ft or 6.0 in); whichever distance is greater from the bottom of the container.
- iii) At all times waste is flowing through the tube, or tube is connected to a permanent port mounted on the bottom of the container so that the lower edge of the port opening inside the container is located at a distance equal to or less than 15.25 cm (6.09 ft or 6.0 in) from the container bottom.
- B) Hazardous waste transferred by a means other than pumping must be performed such that during transfer of the waste into the container, the cover remains in place and all container openings are maintained in a closed, sealed position except for those openings through which the hazardous waste is added and as provided for in subsection (d) below:
- C) Each container opening must be maintained in a closed, sealed position (e.g., covered by a gasketed lid) at all times that hazardous waste is in the container except when it is necessary to use the opening to:
- 1) Add material to the container or sample the material in the container.
- 2) Inspect, maintain, repair or replace equipment located inside the container or
- 3) Vent gases or vapors from a cover located over or enclosing an open container to a closed vent system connected to a control device that is designed and operated in accordance with the requirements of Section 735.98b.
- D) One or more safety devices that vent directly to the atmosphere may be used on the container cover, enclosure, closed vent system or control device provided each device meets all of the following conditions:
- i) The safety device is not used for planned or routine venting of organic vapors from the container cover, enclosure or closed vent system connected to a control device; and
- 2) The safety device remains in a closed, sealed position at all times except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the container cover, enclosure, closed vent system or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive or other hazardous materials. An example of an unplanned event is a sudden power outage.
- B) General requirements.
- 1) The owner or operator shall control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container, except when the special provisions for waste stabilization processes

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specified in subsection (b)(2) of this Section apply to the container.

A) For a container having a design capacity greater than 0.1m(3) (26 gal) and less than or equal to 0.46m(3) (120 gal), the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.

B) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is not in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d) of this Section.

C) When a container having a design capacity greater than 0.1 m(3) (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) of this Section; that the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d) of this Section.

c) Container Level 1 standards.

1) A container using Container Level 1 controls is one of the following:

A) A container that meets the applicable U.S. Department of Transportation (DOT) regulations on packaging hazardous materials for transportation, as specified in subsection (f) of this Section.

B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).

C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container such that no hazardous waste is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.

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2) A container used to meet the requirements of subsection (C)(1)(B) or (C)(1)(C) of this Section must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability, the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device and cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.

3) Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:

A) Opening of a closure device cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

1) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

1) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not

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materials for transportation as specified in subsection (f) of this Section.

- B) A container that operates with no detectable organic emissions, as defined in Section 725.981, and determined in accordance with the procedure specified in subsection (g) of this Section.

- C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 CFR 60, appendix A, Method 27, incorporated by reference in 35 Ill. Adm. Code 720.111, in accordance with the procedure specified in subsection (h) of this Section.

- 2) Transfer of hazardous waste in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive or other hazardous materials. Examples of container loading procedures that the US EPA considers to meet the requirements of this subsection (d)(2) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

- 3) When hazardous waste is in a container using Container Level 2 controls, the owner or operator shall install all covers and closure devices for the container and maintain each closure device in the closed position except as follows:

- A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

- i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

- ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the completion of a batch to the intended final level; the completion of a batch loading after which no additional material will be

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added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

- i) For the purpose of meeting the requirements of this Section, an empty container as defined in 35 Ill. Adm. Code 721.107(b) may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

- ii) In the case when discrete quantities or batches of material are removed from the container such that the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes of the person performing the unloading operation leaving the immediate vicinity of the container, whichever condition occurs first.

- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

- D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on

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container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 2 controls shall inspect the containers and their covers and closure devices as follows:

A) In the case when a hazardous waste already is in the possession of the container at the facility and the container is not emptied (i.e., does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), within 24 hours after the container arrives at the facility, the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the

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container and the container must not be used to manage hazardous waste until the defect is repaired.

e) Container Level 3 standards.

1) A container using Container Level 3 controls is one of the following:

A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B) of this Section.

B) A container that is vented inside an enclosure which is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B) of this Section.

2) The owner or operator shall meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:

A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T--Criteria for And Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for And Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.982.

3) Safety devices, as defined in Section 725.981, may be installed and operated, as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1) of this Section.

4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart shall inspect and maintain the closed-vent systems and control devices, as specified in Section 725.982.

5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart shall prepare and maintain the records specified in Section 725.990(d).

f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A) of this Section, containers must be used in accordance with the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation as follows:

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of each control device except for the following:

- i) A flare;
 - ii) A boiler or process heater with a design heat input capacity of 44 megawatts or greater;
 - iii) A boiler or process heater into which the vent stream is introduced with the primary fuel;
 - iv) A boiler or industrial furnace process-heater burning hazardous waste for which the owner or operator has been issued a final permit under 35 Ill. Adm. Code 702.702, and 705 and has that--s designed and operates--operated in accordance with the requirements of 35 Ill. Adm. Code 726.802part H; or
 - v) A boiler or industrial furnace process-heater burning hazardous waste for which the owner or operator has designed and operates in accordance certified compliance with the interim status requirements of 35 Ill. Adm. Code 726.802part H.
- B) An owner or operator shall demonstrate the performance of each flare in accordance with the requirements specified in Section 725.933(e).
- C) For a performance test conducted to meet the requirements of subsection (c)(5)(A) of this Section above, the owner or operator shall use the test methods and procedures specified in Section 725.934(c)(1) through (c)(4).
- D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A) of this Section above, the design analysis must meet the requirements specified in Section 725.935(b)(4)(C).
- E) The owner or operator shall demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) of this Section above based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.
- 6) If the owner or operator and the Agency do not agree on a demonstration of control device performance using a design analysis, then the disagreement must be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of subsection (c)(5)(C) of this Section above. The Agency may choose to have an authorized representative observe the performance test.
- 7) The control device must be inspected and monitored by the owner in accordance with the procedures specified in Section 725.1031(f)(2) and (3). Readings from each monitoring device required by Section 725.1031(f)(2) must be inspected at least once each operating day to check control device operation. Any necessary corrective measures must be

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immediately implemented to ensure the control device is operated in compliance with the requirements of this Section.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.989 Inspection and Monitoring Requirements

- a) The This--Section--applies--to an owner or operator shall inspect and monitor using air emission control equipment used to comply with this Subpart controls in accordance with the requirements specified in of Sections 725.985 through 725.988.
 - b) Each cover used in accordance with requirements of Sections--725.985 through--725.987--must be visually inspected and monitored for detectable organic emissions by the owner or operator using the procedure specified in subsection (f) below except as follows:
 - i) An owner or operator is exempted from performing the cover inspection and monitoring requirements specified in subsection (f) below for the following:
 - A) A tank--internal--floating--roof--that--is--inspected--and--monitored--in--accordance--with--the--requirements--of--Section 725.991; or
 - B) A--tank--external--floating--roof--that--is--inspected--and--monitored--in--accordance--with--the--requirements--of--Section 725.991;
 - ii) If--a--tank--is--buried--partially--or--entirely--underground--an owner or operator is required to perform the cover inspection and monitoring requirements specified in subsection (f) below only for those portions of the tank cover and those connections to the tank cover or tank body (e.g., fill ports, access hatches, gauge wells, etc.) that extend to or above the ground surface and can be opened to the atmosphere.
 - 3) An owner or operator is exempted from performing the cover inspection and monitoring requirements specified in subsection (f) below for a container that meets all requirements specified in either Section 725.987(b)(1)(B) or (b)(1)(C).
 - 4) An owner or operator is exempted from performing the cover inspection and monitoring requirements specified in subsection (f) below for an enclosure used to control air emissions from containers in accordance with the requirements of--Section 725.987(b)(2).
- b) The owner or operator shall develop and implement a written plan and schedule to perform the inspections and monitoring required by subsection (a) of this Section. The owner or operator shall incorporate this plan and schedule into the facility inspection plan required under Section 261.111.
- c) Each closed--gas--system--used--in--accordance--with--the--requirements--of--Section--725.988--must be inspected and monitored by the owner or

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- operator--in--accordance--with--the--procedure--specified--in--Section 725.933(f);
- d) Each control device used in accordance with the requirements of Section 725.908 must be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 725.933(f);
- e) The owner or operator shall develop and implement a written plan and schedule to perform all inspection and monitoring requirements of this section. The owner or operator shall incorporate this plan and schedule into the facility inspection plan required under 35 Ill. Adm. Code 725.113;
- f) Inspection and monitoring of a cover in accordance with the requirements of subsection (b) above must be performed as follows:
- 1) The cover and all cover openings must be initially visually inspected and monitored for detectable organic emissions on or before the date that the tank surface impoundment or container using the cover becomes subject to the provisions of this Subpart and at other times as requested by the Agency;
 - 2) At least once every 6 months following the initial visual inspection and monitoring for detectable organic emissions required under subsection (f)(1) above, the owner and operator shall visually inspect and monitor the cover and each cover opening except for following cover openings:
 - A) A cover opening that has continuously remained in a closed sealed position for the entire period since the last time the cover opening was visually inspected and monitored for detectable emissions;
 - B) A cover opening that is designated as unsafe to inspect and monitor in accordance with subsection (f)(5) below;
 - C) A cover opening on a cover installed and placed in operation before December 6, 1994 that is designated as difficult to inspect and monitor in accordance with subsection (f)(6) below;
 - 3) To visually inspect a cover, the owner or operator shall view the entire cover surface and each cover opening in a closed, sealed position for evidence of any defect that may affect the ability of the cover or cover opening to continue to operate with no detectable organic emissions. A visible hole, gully, tear or split in the cover surface or a cover opening is defined as a leak that must be repaired in accordance with subsection (f)(7) below.
 - 4) To monitor a cover for detectable organic emissions, the owner or operator shall use the following procedure:
 - A) Method 21 in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.113 to test each cover seal and cover connection for detectable organic emissions. Seals on floating membrane covers must be monitored around the entire perimeter of the cover at locations spaced no

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- greater than 3 meters apart;
- B) For all cover connections and seals except for the seals around a rotating shaft that passes through a cover opening if the monitoring instrument indicates detectable organic emissions (i.e., an instrument concentration reading greater than 500 ppmv plus the background level), then a leak is detected. Each detected leak must be repaired in accordance with subsection (f)(7) below.
- C) For the seals around a rotating shaft that passes through a cover opening, if the monitoring instrument indicates a concentration reading greater than 10,000 ppmv, then a leak is detected. Each detected leak must be repaired in accordance with subsection (f)(7) below.
- 5) An owner or operator may designate a cover as an unsafe to inspect and monitor cover if all of the following conditions are met:
- A) The owner or operator determines that inspection and monitoring of the cover would expose a worker to dangerous hazardous or other unsafe conditions;
 - B) The owner or operator develops and implements a written plan and schedule to inspect the cover using the procedure specified in subsection (f)(3) above and monitor the cover using the procedure specified in subsection (f)(4) below as frequently as practicable during those times when a worker can safely access the cover;
 - 6) An owner or operator may designate a cover installed and placed in operation before December 6, 1994, as a difficult to inspect and monitor cover if all of the following conditions are met:
 - A) The owner or operator determines that inspection and monitoring the cover requires elevating a worker to a height greater than 2 meters (6 ft) above a support surface; and
 - B) The owner and operator develops and implements a written plan and schedule to inspect the cover using the procedure specified in subsection (f)(3) above and to monitor the cover using the procedure specified in subsection (f)(4) above at least once per calendar year;
 - 7) When a leak is detected by either of the methods specified in subsection (f)(3) or (f)(4) above, the owner or operator shall repair the leak in the following manner:
 - A) The owner or operator shall make a first attempt at repairing the leak no later than 5 calendar days after the leak is detected. Repair of the leak must be completed as soon as practicable, but no later than 15 calendar days after the leak is detected. If repair of the leak cannot be completed within the 15 day period except as provided in subsection (f)(7)(B) below, then the owner or operator shall not add hazardous waste to the tank surface impoundment or container on which the cover is installed until the repair

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- of the leak is completed;
- B) Repair of a leak detected on a cover installed on a tank or surface impoundment may be delayed beyond 15 calendar days if the owner or operator determines that both of the following conditions occur:
- Repair of the tank or surface impoundment; and
 - Contents of the tank or surface impoundment; and
- C) Temporary removal of the tank or surface impoundment from service will result in the unscheduled cessation of production from the process unit or operation of the waste management unit that is generating the hazardous waste managed in the tank or surface impoundment.
- D) Repair of a tank determined by the owner or operator to meet the conditions specified in subsection (f)(7)(B) above must be performed at the next time the process system or waste management unit that is generating the hazardous waste managed in the tank or surface impoundment stops operation for any reason.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.990 Recordkeeping Requirements

- a) Each owner or operator of a facility subject to requirements in this Subpart shall record and maintain the following information specified in subsections (b) through (i) of this Section, as applicable to the facility. Except for air emission control equipment design documentation and information required by subsection (i) of this Section, records required by this Section must be maintained in the operating record for a minimum of three years. Air emission control equipment design documentation must be maintained in the operating record until the air emission control equipment is replaced or is otherwise no longer in service. Information required by subsection (i) of this Section must be maintained in the operating record for as long as the tank or container is not using air emission controls specified in Sections 724.984 through 724.987, in accordance with the conditions specified in Section 724.984(d).
- 1) Documentation for each cover installed on a tank in accordance with the requirements of Section 725.995(b)(2) or (b)(3) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design and certification by the owner or operator that the cover meets the applicable design specifications as listed in Section 725.991(c);
- 2) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of

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- Section 725.996(c) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design and certification by the owner or operator that the cover meets the specifications listed in Section 725.996(e);
- 3) Documentation for each enclosure used to control air emissions from containers in accordance with the requirements of Section 725.997(b)(2)(A) that includes information prepared by the owner or operator or provided by the manufacturer or vendor describing the enclosure design and certification by the owner or operator that the enclosure meets the specifications listed in Section 725.997(b)(2)(B);
- 4) Documentation for each closed vent system and control device installed in accordance with the requirements of Section 725.998 that includes:
- Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (a)(4)(B) below or by performance tests as specified in subsection (a)(4)(C) below when the tank, surface impoundment or container is below its operating capacity or the highest level reasonably expected to occur;
 - Reasonably anticipated design analysis of the design documentation as specified in Section 725.935(b)(4); the documentation must include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 725.935(b)(4)(B) and certification by the owner or operator that the control equipment meets the applicable specifications;
 - If performance tests are used, then a performance test plan as specified in Section 725.935(b)(3) and all test results;
 - Information as required by Sections 725.935(e)(1) and 725.935(e)(2);
- 5) Records for all monitoring tests performed by the owner or operator for each container used to meet the requirements of Section 725.997(b)(3)(c);
- 6) Records for all visual inspections conducted in accordance with the requirements of Section 725.998;
- 7) Records for all monitoring for detectable organic emissions conducted in accordance with the requirements of Section 725.999;
- 8) Records of the date of each attempt to repair a leak, repair methods applied, and the date of successful repair;
- 9) Records for all continuous monitoring conducted in accordance with the requirements of Section 725.999;
- 10) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section

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725-908(c)(7)(B):

- 1) Records for all inspections of each cover installed on a tank in accordance with the requirements of Section 725-985(b)(2) or (b)(3) that includes information as listed in Section 725-991(e);
- b) The owner or operator of a tank using electing-to-use air emission controls for a tank in accordance with the requirements of conditions specified in Section 725-985(f) shall prepare and maintain records for the tank that include record the following information:

1) The date and time each waste sample is collected for direct measurement of maximum organic vapor pressure in accordance with Section 725-991(e);

- 1) For each tank using air emission controls in accordance with the requirements of Section 725-985 of this Subpart, the owner or operator shall record:

- A) A tank identification number (or other unique identification description as selected by the owner or operator);
- B) A record for each inspection required by Section 725-985 that includes the following information:

- 1) Date inspection was conducted;
- 1) For each defect detected during the inspection, the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 725-985, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected;

2) The results of each determination for the maximum organic vapor pressure of the waste in the tank performed in accordance with Section 725-991(e);

- 2) In addition to the information required by subsection (b)(1) of this Section, the owner or operator shall record the following information, as applicable to the tank:

- A) The owner or operator using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 725-985(c) shall prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of Section 725-985(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results;
- B) The owner or operator using an internal floating roof to comply with the Tank Level 2 control requirements specified in Section 725-985(e) shall prepare and maintain documentation describing the floating roof design;
- C) Owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified

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in Section 725-985(f) shall prepare and maintain the following records:

- 1) Documentation describing the floating roof design and the dimensions of the tank;
- 1) Records for each seal gap inspection required by Section 725-985(f)(3) describing the results of the seal gap measurements. The records must include the date that the measurements were performed, and the data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in Section 725-985(f)(1), the records must include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary;

- D) Each owner or operator using an enclosure to comply with the Tank Level 2 control requirements specified in Section 725-985(1) shall prepare and maintain the following records:

- 1) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure 1-Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, Appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111;

- 1) Records required for the closed-vent system and control device in accordance with the requirements of subsection (c) of this Section;

3) The records specifying the tank dimensions and design capacity for an owner or operator electing to use emission controls for a tank in accordance with the requirements of Section 725-991 shall record the information required by Section 725-991(e);

- C) The owner or operator of a surface impoundment using air emission controls in accordance with the requirements of Section 725-986 shall prepare and maintain records for the surface impoundment that include the following information:

- 1) A surface impoundment identification number (or other unique identification description as selected by the owner or operator);
- 2) Documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment, that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in Section 725-986(c);

- 3) A record for each inspection required by Section 725-986 that includes the following information:
- A) Date inspection was conducted;

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- B) For each defect detected during the inspection the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 725.986(f), the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.
- 4) For a surface impoundment equipped with a cover and vented through a closed-vent system to a control device, the owner or operator shall prepare and maintain the records specified in subsection (e) of this Section.
- 4*) An owner or operator electing not to use air emission controls for a particular tank, vessel, or container shall be subject to this Subpart in accordance with the conditions specified in Section 725.983(c) shall record the information used by the owner or operator for each waste determination (e.g., test results, measuring calculations, and other documentation) in the facility operating log if analysis results for waste samples are used for the waste determination; then the owner or operator shall record the date, time and location that each waste sample is collected in accordance with applicable requirements of Section 725.984.
- d) The owner or operator of containers using Container Level 3 air emission controls in accordance with the requirements of Section 725.987 shall prepare and maintain records that include the following information:
- 1) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.
- e) An owner or operator electing to comply with requirements in accordance with Section 725.986(f)(2)(iv) or (c)(1)(i) shall record the identification number for the incineratory, boiler, or industrial furnace in which the hazardous waste is treated.
- g) The owner or operator using a closed-vent system and control device in accordance with the requirements of Section 725.988 shall prepare and maintain records that include the following information:
- 1) Documentation for the closed-vent system and control device that includes:
 - A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (e)(1)(B) of this

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- Section or by performance tests as specified in subsection (e)(1)(C) of this Section when the tank, surface impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur.
- B) If a design analysis is used, then design documentation, as specified in Section 725.1035(b)(4), the design documentation must include information prepared by the owner or operator that provides the control device manufacturer or vendor that describes the control device design in accordance with Section 725.1035(b)(7)(C) and certification by the owner or operator that the control equipment meets the applicable specifications.
- C) Performance tests are used, then a performance test plan as specified in Section 265.935(b)(3) and all test results.
- D) Information as required by 40 CFR 265.1035(c)(1) and Section 725.935(c)(2), as applicable.
- E) An owner or operator shall record, on a semiannual basis, the information specified in subsections (e)(1)(E)(i) and (e)(1)(E)(ii) of this Section for those planned routine maintenance operations that would require the control device not to meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.
- 1) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next six-month period. This description must include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.
 - 2) A description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description must include the type of maintenance performed and the total number of hours during those six months that the control device did not meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, due to planned routine maintenance.
- F) An owner or operator shall record the information specified in subsections (e)(1)(F)(i) through (e)(1)(F)(iii) of this Section for those uninspected control devices that have malfunctions that would require the control device not to meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.
- 1) An occurrence and duration of each malfunction of the control device system.
 - 2) The duration of each period during a malfunction when cases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device while the control device is not

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properly functioning.

iii) Actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation.

G) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 725.988(C)(3)(B).

f) The owner or operator of a tank, surface impoundment, or container exempted from standards in accordance with the provisions of Section 725.983(c) of this Subpart shall prepare and maintain the following records, as applicable:

1) For tanks, surface impoundments, or containers exempted under the hazardous waste organic concentration conditions specified in Section 725.983(c)(1) or (c)(2) of this Subpart, the owner or operator shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator shall record the date, time, and location that each waste sample is collected in accordance with applicable requirements of Section 725.984 of this Subpart.

2) For tanks, surface impoundments, or containers exempted under the provisions of Section 725.983(c)(2)(vii) or Section 725.983(c)(2)(viii) of this Subpart, the owner or operator shall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.

9f) An owner or operator designating a cover as "unsafe to inspect and monitor" pursuant to Section 725.985(i) 725.985(f)(5) or difficult-to-inspect-and-monitor pursuant to Section 725.985(f)(6) shall record in a log that is kept in the facility operating record the following information: the identification numbers for waste management units with covers that are designated as "unsafe to inspect and monitor," the explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.

1) A list of identification numbers for tanks with covers that are designated as unsafe to inspect and monitor in accordance with the requirements of Section 725.985(f)(5) an explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring

2) A list of identification numbers for tanks with covers that are designated as difficult to inspect and monitor in accordance with the requirements of Section 725.985(f)(6) an explanation for each cover stating why the cover is difficult to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.

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9) All records required by subsections (a) through (f) above, except as required in subsections (a) through (a)(4) above, must be maintained in the operating record for a minimum of 3 years. All records required by subsections (a) through (a)(4) above must be maintained in the operating record until the air emission control equipment is replaced or otherwise no longer in service.

h) The owner or operator of a facility that is subject to this Subpart and to the control device standards in 40 CFR 60, Subpart V, or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 270.111, may elect to demonstrate compliance with the applicable Sections of this Subpart by documentation either pursuant to this Subpart, or pursuant to the provisions of 40 CFR 60, Subpart V or 40 CFR 61, Subpart V, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.

i) For each tank or container not using air emission controls specified in Sections 725.985 through 725.988 in accordance with the conditions and maintain the following information:

1) A list of the individual organic peroxide compounds manufactured at the facility that meet the conditions specified in Section 725.980(d)(1).

2) A description of how the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) are managed at the facility in tanks and containers. This description must include the following information:

A) For the tanks used at the facility to manage this hazardous waste, sufficient information must be provided to describe each tank; a facility identification number for the tank, the purpose and placement of this tank in the management train of this hazardous waste, and the procedure used to ultimately dispose of the hazardous waste managed in the tanks.

B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to describe the following for each container tank: a facility identification number for the container or group of containers; the purpose and placement of this container or group of containers in the management train of this hazardous waste; and the procedures used to ultimately dispose of the hazardous waste handled managed in the containers.

3) An explanation of why managing the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) of this Section above in the tanks or containers identified pursuant to subsection (i)(2) of this Section above would create an undue safety hazard if the air emission controls specified in Sections 725.985 through 725.988 were installed and operated on these waste management units. This explanation must

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include the following information:

- A) For tanks used at the facility to manage this hazardous waste, sufficient information must be provided to explain: how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard due to the presence of hazardous waste in the tanks; and why installation of safety controls for required air emission controls are allowed under this Subpart. Section 725-985(f) would not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.
- B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to explain: how use of the required air emission controls on the containers tanks would affect the container design features and handling procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the containers; and why installation of safety devices on the required air emission controls, as allowed under this Subpart. Section 725-987(f), would not address those situations in which evacuation of containers equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

(Source: Amended at 22 Ill. Reg. 600.20, effective 11/1/84)

Section 725.991 Alternative Tank Emission Control Requirements (Repealed)

- a) This Section applies to owners and operators of tanks electing to comply with Section 725.985(b)(2) or (b)(3):

1) The owner or operator electing to comply with Section 725.985(b)(2) shall design, install, operate and maintain a fixed roof and internal floating roof that meet the following requirements:

- A) The fixed roof must comply with the requirements of Section 725.985(d)(1). The internal floating roof must rest or float on the waste surface but not necessarily in complete contact with it inside a tank that has a fixed roof. The internal floating roof must be floating on the waste surface at all times except during initial fill and during those intervals when the tank is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports the process of filling, emptying or refilling must be continuous and must be accomplished as

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rapidly as possible.

- B) Each internal floating roof must be equipped with one of the following closure devices between the wall of the tank and the edge of the internal floating roof:
- i) A foam or liquid-filled seal mounted in contact with the waste means a foam or liquid-filled seal mounted in contact with the waste between the wall of the tank and the floating roof continuously around the tank.
 - ii) A gasket seal mounted on above the other so that each forms a continuous closure that completely covers the space between the wall of the tank and the edge of the internal floating roof. The lower seal may be vapor-mounted but both must be continuous.
 - iii) A mechanical shoe seal. A mechanical shoe seal is a metal sheet held vertically against the wall of the tank by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.
- C) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the waste surface:
- B) Each opening in the internal floating roof except for legs, sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells and stub drains is to be equipped with a cover or lid that is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. The cover or lid must be equipped with a gasket. Covers on each access hatch and automatic gauge float well must be bolted except when they are in use.
 - B) Automatic bleeder vents must be equipped with a gasket and are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.
 - B) Rim space vents must be equipped with a gasket and are to be closed when the roof is floating.
 - B) Each penetration of the internal floating roof for the purpose of sampling must be a sample well. The sample well must have a slit fabric cover that covers at least 99 percent of the opening.
 - B) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.

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- 1) Back-penetration-of-the-internal-floating-roof-that-allows for passage of a ladder must have a gasketed sliding cover. The owner or operator electing to comply with Section 725.985(b)(3) shall design, install, operate, and maintain an external floating roof that meets the following requirements:
- A) Back-external floating roof must be equipped with a closure device between the wall of the tank and the roof edge. The closure device is to consist of two seals: one above the roof and the lower seal is referred to as the primary seal and the upper seal is referred to as the secondary seal.
- 1) The primary seal must be either a mechanical shoe seal or a liquid-mounted seal. Except as provided in subsection (b)(2)(b) below the seal must completely cover the annular space between the edge of the floating roof and tank wall.
- 2) The secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except as allowed in subsection (b)(2)(b) below.
- B) Except for automatic bleeder vents and rim space vents, each opening in a noncontact external floating roof must provide a projection below the waste surface. Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof is to be equipped with a gasketed cover seal or lid that is to be maintained in a closed position at all times (they are no visible gap) except when the device is in actual use. Automatic bleeder vents are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports. Rim vents are to be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting. Automatic bleeder vents and rim space vents are to be gasketed. Each emergency roof drain is to be provided with a slotted neoprene fabric cover that covers at least 90 percent of the waste roof opening.
- C) When the roof is floating on the waste at all times (they are off the roof leg supports), except during initial fill until the roof is lifted off leg supports and until the tank is completely emptied and subsequently refilled, the process of filling, emptying or refilling when the roof is resting on the waste is to be as continuous as possible and must be accomplished as rapidly as possible to comply with Section 725.99(b)(3) or (b)(3) using an alternative means of emission limitation for which U.S. EPA has published a Federal Register notice in accordance with the requirements of 40 CFR 60.11b permitting its use as an alternative means for the purpose of

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- compliance with 40 CFR 69.112b:
- b) Monitoring and inspection of the control equipment described in subsection (a) above must be conducted as follows:
- 1) After installation, owners and operators of internal floating roofs shall:
- A) Visually inspect the internal floating roof, the primary seal and the secondary seal (if one is in service) prior to filling the tank with waste. If there are holes, tears or other openings in the primary seal, the secondary seal or the seal fabric, or defects in the internal floating roof or both, the owner or operator shall repair the items before filling the tank.
- B) For tanks equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the waste inside the tank or there is liquid accumulated on the roof or the seal is detached or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the tank from service within 45 days. If a failure that is detected during inspections required in this subsection cannot be repaired within 45 days and if the tank cannot be emptied within 45 days, the Agency may grant the owner or operator a provisional variance pursuant to Section 3(b) of the Act that extends this time for up to 30 days. Such a request for an extension must comply with 95 Ill. Adm. Code 100 and it must document that alternate capacity is unavailable and specify a schedule of actions the owner or operator will take that will assure that the control equipment will be repaired or the tank will be emptied as soon as possible.
- C) For tanks equipped with a double seal system as specified in subsection (b)(1)(ii) above:
- 1) Visually inspect the tank as specified in subsection (b)(1)(b) below at least every 5 years or
- 2) Visually inspect the tank as specified in subsection (b)(1)(b) above.
- B) Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) each time the tank is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears or other openings in the seal or the seal fabric, the secondary seal has holes, tears or other openings in the seal or the seal fabric, the gaskets no longer close off the waste surface from the atmosphere or the slotted membrane has more than

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10 percent open area, the owner or operator shall repair the items as necessary to that none of the conditions specified in this subsection exist before refilling the tank with waste. In no event may inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of tanks containing above-normal visual inspection as specified in subsection (b)(3), above, or at intervals no greater than 5 years in the case of tanks inspected in subsection (b)(3), above.

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the following frequency

4. Near the water level, the water is very shallow and the water is very shallow.

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if any tank ceases to hold water for a period of one year or more, subsequent production of water from the tank must be considered as not from the purpose of saving water. (b) (3) and (4) and (5) above.

But Because the gap widens and the primary and secondary sectors in developing countries are

Measure seat gaps, if any, at one or more floating roof levels when the roof is floating off the roof-leg

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Add the difference of each step to the previous primary secondary each and add to the total in the same order to the constant to the total and compare each ratio to the respective standard and compare each ratio to the previous

[illegible]

the accumulated area of gaps between the tank wall and the mechanical shoe on a liquid-mounted primary seal was not exceed 212 cm² per meter (10.9 in² per foot) of tank diameter, and the width of any portion of any gap must not exceed 3.81 mm (0.15 in.). One end of the mechanical shoe is to extend into the vessel contained in the tank, and the other end is to extend a minimum vertical distance of 0.6 m (2 ft) above the tank surface. The vertical distance between the upper and lower openings in the shoe need not be greater than 1.8 m (6 ft).

the-secondary-seed-is-to-meet--is-the-following
requirement---she-secondary-seed-is-to-be-instantiated
above-the-primary-seed-so-that-it-completely-covers
the-space-between-the-roof-edge-and-the-tank-wall-
except-as-provided-in-subsection-(2)(2)(ii)-(iii)-above.
The-accumulated-area-of-gaps-between-the-tank-wall-and
the-secondary-seed-Must-not-exceed-+2-inches-for-a
meter-(+0.06-mt) per-foot-of-tank-diameter-and-+0.7
width-of-any-partition-or-any-gap-between-two-partitions
or between two tanks. The secondary seed must be
continuous along the entire length of the tank or

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for up to 30 days. Such a request for an extension must comply with 35-111-Adm. Code 1409 and it must include a demonstration of the unavailability of alternate capacity and a specification of a schedule that will assure that the control equipment will be repaired or the tank will be emptied as soon as possible.

P) Notify the Agency 30 days in advance of any gap measurements required by subsection (b)(2)(A) above to afford the Agency the opportunity to have an observer present.

G) Visually inspect the external floating roof; the primary seal; secondary seals and fittings each time the vessel is emptied and degassed.

1) If the external floating roof has defects, the primary seal has holes, tears or other openings in the seal or the seal fabric or the secondary seal has holes, tears or other openings in the seal or the seal fabric, the owner or operator shall repair the items as necessary so that none of the conditions specified in this subsection exist before filling or refilling the tank with waste.

11) For all the inspections required by this subsection, the owner or operator shall notify the Agency in writing at least 30 days prior to the filling or refilling of each tank to afford the Agency the opportunity to inspect the tank prior to refilling. If the inspection required by (b)(2)(G) of this Section is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Agency at least seven days prior to the refilling of the tank. Notification must be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification, including the written documentation, may be made in writing and sent by express mail so that it is received by the Agency at least seven days prior to the refilling.

C) Owners and operators that elect to install and operate the control equipment in subsection (a) above shall include the following information in the notification provided in accordance with the requirements of Section 725.990(a)(1) and (a)(11):

1) Internal floating roof:

A) Documentation that describes the control equipment design and certifies that the control equipment meets the specifications of subsections (a)(11) and (b)(1) above.

B) Records of each inspection performed as required by subsections (b)(1)(A) through (b)(1)(F) above. Each record

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must identify the tank on which the inspection was performed and must contain the date the tank was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings):

C) If any of the conditions described in subsection (b)(1)(B) above are detected during the annual visual inspection required by subsection (b)(1)(B) above, the records must identify the tank, the nature of the defects, and the date the tank was emptied or the nature of and date the repair was made:

B) After each inspection required by subsection (b)(1)(C) above that finds holes or tears in the seal or seal fabric or defects in the internal floating roof or other control equipment defects listed in subsection (b)(1)(B) above, the records must identify the tank and the reason it did not meet the specifications of subsection (a)(1) or (b)(1)(C) above and describe each repair made:

2) External floating roof:

A) Documentation that describes the control equipment design and certifies that the control equipment meets the specifications of subsections (a)(2) and (b)(2)(B) through (b)(2)(D) above.

B) Records of each gap measurement performed as required by subsection (b)(2) above. Each record must identify the tank in which the measurement was performed, the date of measurement, the raw data obtained in the measurement, and the calculations described in subsections (b)(2)(B) and (b)(2)(C) above.

C) Records for each seal gap measurement that detects gaps exceeding the limitations specified by subsection (b)(2)(B) above that identifies the tank, the date the tank was emptied or the repairs made, and the nature of the repair.

(Source: Repealed at 22 Ill. Reg. 6.010, effective 1/1/00)

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Dimethylsulfide	624-92-0
Dimethylformamide	68-12-2
1,1-Dimethylhydrazine	57-14-7
Dimethylphthalate	131-11-3
Dimethylsulfone	67-70-0
Dimethylsulfoxide	67-68-3
2,3-Dimethoxytrychmidin-10-one	357-97-3
2,3-Dimethoxytrychmidin-10-one	354-32-1
4,6-Dinitro-o-cresol	128-66-2
1,2-Diphenylhydrazine	72-22-8
Diisopropylene glycol (1,1'-oxydi-2-propanol)	72-22-8
Endrin	51-43-4
Epinephrine	51-43-4
Ethyl carbamate (urethane)	51-79-6
Ethylene glycol	107-21-1
Ethylene glycol monobutyl ether (butyl Cellosolve)	111-76-2
Ethylene glycol monoethyl ether (Cellosolve)	110-80-5
Ethylene glycol monoethyl ether acetate	
Cellosolve acetate	111-15-9
Ethylene glycol monophenyl ether (methyl Cellosolve)	109-86-4
Ethylene glycol monophenyl ether (phenyl Cellosolve)	122-99-6
Ethylene glycol monopropyl ether (propyl Cellosolve)	2807-30-9
Ethylene thiourea (2-imidazolidinethione)	9-64-57
4-Ethylmorpholine	100-74-3
3-Ethylphenol	620-17-7
Fluoroacetic acid, sodium salt	62-74-8
Formaldehyde	50-00-0
Formamide	75-12-7
Formic acid	64-18-6
Fumaric acid	110-17-8
Glutaric acid	110-94-1
Glycerin (Glycerol)	56-81-5
Glycidol	556-52-5
Glycinamide	598-41-4
Glyphosate	1071-83-6
Guthion	86-50-0
Hexamethylene-1,6-diisocyanate (1,6-diisocyanatohexane)	822-06-0
Hexamethyl phosphoramide	680-31-9
Hexanoic acid	142-62-1
Hydrazine	302-01-2
Hydrocyanic acid	74-90-8
Hydroquinone	123-31-9
Hydroxy-2-propionitrile (hydroacrylonitrile)	109-78-4
Indeno(1,2,3-cd)pyrene	193-39-5
Lead acetate	301-04-2
Lead subacetate (lead acetate, monobasic)	1335-32-6
Leucine	61-90-5
Malathion	121-75-5
Maleic acid	110-16-7

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Maleic anhydride	108-31-6
Mesityl oxide	141-79-7
Methane sulfonic acid	75-75-2
Methoxy	16752-77-5
Methylphenol	150-16-5
Methylacetylate	36-33-3
4,4'-Methylenedibis-(2-chloroaniline)	101-14-4
4,4'-Methylenediphenyl diisocyanate (diphenyl methane diisocyanate)	101-68-8
4,4'-Methylenedianiline	101-77-9
Methylene diphenylamine (VDA)	620-02-0
5-Methylfurfural	60-34-4
Methylhydrazine	66-27-3
Methylinoacetic acid	298-00-0
Methyl methane sulfonate	77-78-1
1-Methyl-2-methoxyaziridine	106-45-6
Methylthiophenol	141-43-5
Monomethanolamine	123-39-7
Monomethylformamide (N-methylformamide)	142-59-6
Nabam	90-15-3
alpha-Naphthol	135-19-3
beta-Naphthol	134-32-7
alpha-Naphthylamine	91-59-8
beta-Naphthylamine	126-30-7
Nsopentyl glycol	98-92-0
Niacinamide	88-74-4
O-Nitroaniline	55-63-0
Nitroglycerin	88-75-5
2-Nitrophenol	100-02-7
4-Nitrophenol	62-75-9
N-Nitrosodimethylamine	674-81-7
Nitrosoquinidine	684-93-5
N-Nitroso-n-methylurea	59-89-2
N-Nitrosomorpholine (4-nitrosomorpholine)	144-62-7
Oxalic acid	56-38-2
Parathion	115-77-5
Pentaerythritol	62-44-2
Phenacetin	108-95-2
Phenol	103-82-2
Phenylacetic acid	108-45-2
m-Phenylenediamine	95-54-5
o-Phenylenediamine	106-50-3
p-Phenylenediamine	62-38-4
Phenyl mercuric acetate	298-02-2
Phorate	85-44-9
Phthalic anhydride	

1997-1998, 1999-2000, 2001-2002

REPORT OF ALBERT KNOTH, JR.

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THE UNIVERSITY OF CHICAGO

- 1) Working of the Board: publications, programs.
- 2) Code Analysis: 15, 111, 112a, 112b, 112c, 112d
- 3) Special numbers: distributed as follows:
102-119
- 4) Proposals published: 415, 1125, 1126, 1127.
- 5) Effective date of amendments: December 16, 1991
- 6) Upon their completion, certain are submitted to regional boards. The
regional amendments coordinate, incorporated into the reference?
- 7) We: 15, 111, 112a, 112b, 112c, 112d, 112e, 112f, 112g, 112h, 112i, 112j, 112k, 112l, 112m, 112n, 112o, 112p, 112q, 112r, 112s, 112t, 112u, 112v, 112w, 112x, 112y, 112z, 112aa, 112ab, 112ac, 112ad, 112ae, 112af, 112ag, 112ah, 112ai, 112aj, 112ak, 112al, 112am, 112an, 112ao, 112ap, 112aq, 112ar, 112as, 112at, 112au, 112av, 112aw, 112ax, 112ay, 112az, 112ba, 112bb, 112bc, 112bd, 112be, 112bf, 112bg, 112bh, 112bi, 112bj, 112bk, 112bl, 112bm, 112bn, 112bo, 112bp, 112bq, 112br, 112bs, 112bt, 112bu, 112bv, 112bw, 112bx, 112by, 112bz, 112ca, 112cb, 112cc, 112cd, 112ce, 112cf, 112cg, 112ch, 112ci, 112cj, 112ck, 112cl, 112cm, 112cn, 112co, 112cp, 112cq, 112cr, 112cs, 112ct, 112cu, 112cv, 112cw, 112cx, 112cy, 112cz, 112da, 112db, 112dc, 112dd, 112de, 112df, 112dg, 112dh, 112di, 112dj, 112dk, 112dl, 112dm, 112dn, 112do, 112dp, 112dq, 112dr, 112ds, 112dt, 112du, 112dv, 112dw, 112dx, 112dy, 112dz, 112ea, 112eb, 112ec, 112ed, 112ee, 112ef, 112eg, 112eh, 112ei, 112ej, 112ek, 112el, 112em, 112en, 112eo, 112ep, 112eq, 112er, 112es, 112et, 112eu, 112ev, 112ew, 112ex, 112ey, 112ez, 112fa, 112fb, 112fc, 112fd, 112fe, 112ff, 112fg, 112fh, 112fi, 112fj, 112fk, 112fl, 112fm, 112fn, 112fo, 112fp, 112fq, 112fr, 112fs, 112ft, 112fu, 112fv, 112fw, 112fx, 112fy, 112fz, 112ga, 112gb, 112gc, 112gd, 112ge, 112gf, 112gg, 112gh, 112gi, 112gj, 112gk, 112gl, 112gm, 112gn, 112go, 112gp, 112gq, 112gr, 112gs, 112gt, 112gu, 112gv, 112gw, 112gx, 112gy, 112gz, 112ha, 112hb, 112hc, 112hd, 112he, 112hf, 112hg, 112hh, 112hi, 112hj, 112hk, 112hl, 112hm, 112hn, 112ho, 112hp, 112hq, 112hr, 112hs, 112ht, 112hu, 112hv, 112hw, 112hx, 112hy, 112hz, 112ia, 112ib, 112ic, 112id, 112ie, 112if, 112ig, 112ih, 112ii, 112ij, 112ik, 112il, 112im, 112in, 112io, 112ip, 112iq, 112ir, 112is, 112it, 112iu, 112iv, 112iw, 112ix, 112iy, 112iz, 112ja, 112jb, 112jc, 112jd, 112je, 112jf, 112jg, 112jh, 112ji, 112jj, 112jk, 112jl, 112jm, 112jn, 112jo, 112jp, 112jq, 112jr, 112js, 112jt, 112ju, 112jv, 112jw, 112jx, 112jy, 112jz, 112ka, 112kb, 112kc, 112kd, 112ke, 112kf, 112kg, 112kh, 112ki, 112kj, 112kl, 112km, 112kn, 112ko, 112kp, 112kq, 112kr, 112ks, 112kt, 112ku, 112kv, 112kw, 112kx, 112ky, 112kz, 112la, 112lb, 112lc, 112ld, 112le, 112lf, 112lg, 112lh, 112li, 112lj, 112lk, 112ll, 112lm, 112ln, 112lo, 112lp, 112lq, 112lr, 112ls, 112lt, 112lu, 112lv, 112lw, 112lx, 112ly, 112lz, 112ma, 112mb, 112mc, 112md, 112me, 112mf, 112mg, 112mh, 112mi, 112mj, 112mk, 112ml, 112mm, 112mn, 112mo, 112mp, 112mq, 112mr, 112ms, 112mt, 112mu, 112mv, 112mw, 112mx, 112my, 112mz, 112na, 112nb, 112nc, 112nd, 112ne, 112nf, 112ng, 112nh, 112ni, 112nj, 112nk, 112nl, 112nm, 112nn, 112no, 112np, 112nq, 112nr, 112ns, 112nt, 112nu, 112nv, 112nw, 112nx, 112ny, 112nz, 112oa, 112ob, 112oc, 112od, 112oe, 112of, 112og, 112oh, 112oi, 112oj, 112ok, 112ol, 112om, 112on, 112oo, 112op, 112oq, 112or, 112os, 112ot, 112ou, 112ov, 112ow, 112ox, 112oy, 112oz, 112pa, 112pb, 112pc, 112pd, 112pe, 112pf, 112pg, 112ph, 112pi, 112pj, 112pk, 112pl, 112pm, 112pn, 112po, 112pp, 112pq, 112pr, 112ps, 112pt, 112pu, 112pv, 112pw, 112px, 112py, 112pz, 112qa, 112qb, 112qc, 112qd, 112qe, 112qf, 112qg, 112qh, 112qi, 112qj, 112qk, 112ql, 112qm, 112qn, 112qo, 112qp, 112qq, 112qr, 112qs, 112qt, 112qu, 112qv, 112qw, 112qx, 112qy, 112qz, 112ra, 112rb, 112rc, 112rd, 112re, 112rf, 112rg, 112rh, 112ri, 112rj, 112rk, 112rl, 112rm, 112rn, 112ro, 112rp, 112rq, 112rr, 112rs, 112rt, 112ru, 112rv, 112rw, 112rx, 112ry, 112rz, 112sa, 112sb, 112sc, 112sd, 112se, 112sf, 112sg, 112sh, 112si, 112sj, 112sk, 112sl, 112sm, 112sn, 112so, 112sp, 112sq, 112sr, 112ss, 112st, 112su, 112sv, 112sw, 112sx, 112sy, 112sz, 112ta, 112tb, 112tc, 112td, 112te, 112tf, 112tg, 112th, 112ti, 112tj, 112tk, 112tl, 112tm, 112tn, 112to, 112tp, 112tq, 112tr, 112ts, 112tt, 112tu, 112tv, 112tw, 112tx, 112ty, 112tz, 112ua, 112ub, 112uc, 112ud, 112ue, 112uf, 112ug, 112uh, 112ui, 112uj, 112uk, 112ul, 112um, 112un, 112uo, 112up, 112uq, 112ur, 112us, 112ut, 112uu, 112uv, 112uw, 112ux, 112uy, 112uz, 112va, 112vb, 112vc, 112vd, 112ve, 112vf, 112vg, 112vh, 112vi, 112vj, 112vk, 112vl, 112vm, 112vn, 112vo, 112vp, 112vq, 112vr, 112vs, 112vt, 112vu, 112vv, 112vw, 112vx, 112vy, 112vz, 112wa, 112wb, 112wc, 112wd, 112we, 112wf, 112wg, 112wh, 112wi, 112wj, 112wk, 112wl, 112wm, 112wn, 112wo, 112wp, 112wq, 112wr, 112ws, 112wt, 112wu, 112wv, 112ww, 112wx, 112wy, 112wz, 112xa, 112xb, 112xc, 112xd, 112xe, 112xf, 112xg, 112xh, 112xi, 112xj, 112xk, 112xl, 112xm, 112xn, 112xo, 112xp, 112xq, 112xr, 112xs, 112xt, 112xu, 11

11) Differences between proposal and final version: The board has made a number of minor revisions to the text of the amendments as proposed. Most are in response to comments from JFEA. A small number are based on comments from the Illinois Environmental Protection Agency (Agency). Many others are based on the Board's review of the text in response to the JFEA

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actions, outside the normal docket line-items, are included for various reasons.

Docket R96-10: July 1, 1995 through December 31, 1995 RCRA Subtitle C Amendments:

July 7, 1995
(61 Fed. Reg. 35452)
Corrections to Subpart CC rules. USRPA corrected the docket number in the Federal Register's preamble discussion of December 6, 1994.

July 11, 1995
(61 Fed. Reg. 35703)
Addition of test method for testing biodegradability of absorbent materials. USRPA added a test method for testing the biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.

August 14, 1995
(61 Fed. Reg. 41817)
Notice of revised interpretation of carbamate rule. USRPA revised its interpretation of its carbamate rule to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.

September 29, 1995
(61 Fed. Reg. 50426)
Partial Stay of Subpart CC rules. USRPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

October 23, 1995
(61 Fed. Reg. 54311)
Correction of hazardous waste delisting for entity with an Illinois Facility. USRPA restored text of the Enviro Corp. delisting inadvertently deleted when USRPA intended to amend the delisting only to delete the waste from a single source (in Connecticut) on February 8, 1994.

October 30, 1995
(61 Fed. Reg. 55202)
Stay of used oil mixtures rule. USRPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations,

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rather than under the generally applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.

USRPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

Amendments to permitting procedural requirements. USRPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public participation in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

The Board did not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period of July 1, 1995 through December 31, 1995. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995 in the prior RCRA Subtitle C update docket, R95-20, adopted June 20, 1996. No further action is required of the Board on those matters. Further, the Board will need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995. The Board is taking action on the federal actions of July 11 and December 11, 1995 in this consolidated docket.

In addition to the direct revisions to the RCRA Subtitle C regulations during the time period of docket R96-10, USRPA amended the federal water pollution control regulations three times during the period July 1, 1995 through December 31, 1995 in a way that could affect the Illinois RCRA Subtitle C rules. These federal actions revised analytical methods of 40 CFR 136, as follows:

Federal Action

August 2, 1995
(61 Fed. Reg. 39586)
August 28, 1995
(61 Fed. Reg. 44670)
October 16, 1995
(Fed. Reg. 53523)

Summary

USRPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs. USRPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater. USRPA added whole effluent toxicity testing to the approved methods.

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The methods codified in 40 CFR 136 are incorporated by reference at Section 720.111 of the Illinois RCRA Subtitle C rules for the purposes of the hazardous waste and underground injection control regulations. The Board updated the incorporations by updating to the 1996 edition of the Code of Federal Regulations.

Docket R97-5: January 1, 1996 through June 30, 1996 RCRA Subtitle C Amendments

Federal Action

February 9, 1996
(61 Fed. Reg. 4903)

Summary
Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994 Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
(61 Fed. Reg. 10684)

Relating to Federal authorization of Illinois program. USEPA authorized segments of the Illinois RCRA Subtitle VI, "HSWA Cluster II," and RCRA Cluster "III" rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R96-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.

March 26, 1996
(61 Fed. Reg. 13103)

Correction to exclusion for recovered oil rejected into refining process.
USEPA corrected an error in its July 28, 1994, exclusion of recovered oil from the definition of solid waste.

April 8, 1996
(61 Fed. Reg. 15596)

USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s) but also any underlying hazardous waste constituents.

April 8, 1996
(61 Fed. Reg. 15662)

Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in *Chemical Waste Management, Inc. v. EPA*, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the

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Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994 Phase II LDRs that were also overruled by Pub. L. 104-119.

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

Phase III LDR corrections (two separate actions). In each action, USEPA corrected the effective dates set forth in the Federal Register notice for Phase III LDR rules.

Subpart CC organic material emission standards amended to effect partial stay. USEPA further amended the implementation of the December 6, 1994 Subpart CC organic material emissions requirements until October 6, 1996.

Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996 Phase III LDRs and partial withdrawal.

Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992 used oil mixture rule in response to a January 19, 1996, vacatur in *Safety-Kleen Corp. v. EPA*, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995, administrative stay of the rule.

As with the previous docket time-frame, the Board will not need to act on certain of the January 1, 1996 through June 30, 1996 federal RCRA Subtitle C amendments. The Board dealt with the federal amendments of June 5, 1996 in docket R95-20, on June 20, 1996. Further, the March 15, 1996 action related to federal authorization of the Illinois RCRA Subtitle C program, which the Board notes in this opinion, but which requires no further action. Finally, as discussed below, the June 28, 1996 federal action requires no action because it reversed the federal amendments of October 30, 1995 described above.

Later Federal Actions

A small number of federal amendments to the RCRA Subtitle C regulations directly affect the subject matter involved in this docket by virtue of the amendments included in R96-10 and R97-5. These include the following

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actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1, 1996 through December 31, 1996. These include the following federal actions:

Federal Action

July 10, 1996
(61 Fed. Reg. 36419)
August 26, 1996
(61 Fed. Reg. 43923)

Summary

Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996 actions.
USEPA agency revision of the Phase III LDRs.
(61 Fed. Reg. 43923)

USEPA adopted an agency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs.
Final Amendments to the "Subpart CC" rules.

November 25, 1996
(61 Fed. Reg. 59931)

USEPA adopted final amendments to its December 6, 1994 organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5 for the period January 1, 1997 through June 30, 1997, are the following:

Federal Action

January 14, 1997
(61 Fed. Reg. 1991)
February 19, 1997
(61 Fed. Reg. 7501)

Summary

Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.
Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment, storage, and disposal universal treatment standards tables that appeared in the April 8 through August 26, 1996 actions amending these tables.
Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments.
[On July 16, 1997, the Board received a motion from the Peoria Disposal Company to expedite on narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.]

May 12, 1997
(61 Fed. Reg. 25997)

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June 17, 1997
(61 Fed. Reg. 32973)
Amendment of carbamate waste listings in response to a judicial remand. USEPA deleted a number of carbamate waste listings in response to the remand in *Ethioncarbamate Task Force v. EPA*, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period July 1, 1997 through December 31, 1997 for which there is no docket presently reserved. That action is the following:

Federal Action
July 14, 1997
(62 Fed. Reg. 37693)

Summary
Extension of the national capacity variance for K088 wastes. US EPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Docket R97-3: January 1, 1996 through June 30, 1996 UIC Amendments

Federal Action
April 8, 1996
(61 Fed. Reg. 15596)
April 30, 1996
(61 Fed. Reg. 19117)
June 28, 1996
(61 Fed. Reg. 33680)

Summary
Phase III land disposal restrictions (LDRs).
Phase III LDR corrections.
Phase III LDR corrections.

Specifically, the amendments to Part 702 add a definition to implement the federally-required public participation amendments to the RCRA Subtitle C permitting rules. The Board further used this opportunity to make a number of non-substantive corrective and editorial amendments to the existing text of Part 702.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of November 6, 1997 from Victoria Aygeman, at the above address, at 312-814-3620.

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The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD
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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER 1: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 702
RCRA AND UIC PERMIT PROGRAMS
SUBPART A: GENERAL PROVISIONS

Section	
702.101	Purpose, Scope, and Applicability
702.102	Purpose and Scope(Repealed)
702.103	Confidentiality of Information Submitted to the Agency or Board
702.104	References
702.105	Rulemaking
702.106	Adoption of Agency Criteria
702.107	Permit Appeals and Review of Agency Determinations
702.108	Variances and Adjusted Standards
702.109	Enforcement Actions
702.110	Definitions

SUBPART B: PERMIT APPLICATIONS

Section	
702.120	Permit Application
702.121	Who Applies
702.122	Completeness
702.123	Information Requirements
702.124	Recordkeeping
702.125	Continuation of Expiring Permits
702.126	Signatories to Permit Applications and Reports

SUBPART C: PERMIT CONDITIONS

Section	
702.140	Conditions Applicable to all Permits
702.141	Duty to Comply
702.142	Duty to Reapply
702.143	Need to Halt or Reduce Activity Not a Defense
702.144	Duty to Mitigate
702.145	Proper Operation and Maintenance
702.146	Permit Actions
702.147	Property Rights
702.148	Duty to Provide Information
702.149	Inspection and Entry
702.150	Monitoring and Records
702.151	Signature Requirements

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702.152 Reporting Requirements
 702.160 Establishing Permit Conditions
 702.161 Duration of Permits
 702.162 Schedules of Compliance
 702.163 Alternative Schedules of Compliance
 702.164 Recording and Reporting

SUPPORT D: ISSUED PERMITS

Section
 702.181 Effect of a Permit
 702.182 Transfer
 702.183 Modification
 702.184 Causes for Modification
 702.185 Facility Siting
 702.186 Revocation
 702.187 Minor Modifications

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19, at 53 PCB 131, 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 13274, effective July 24, 1985; amended in R86-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 13274, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 13274, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 13274, effective November 12, 1987; amended in R87-2 at 11 Ill. Reg. 13274, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 16673, effective May 28, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 10893, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273, effective April 16, 1990; amended in R93-16 at 18 Ill. Reg. 6918, effective March 26, 1993; amended in R94-5 at 18 Ill. Reg. 18284, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9913, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11210, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. ~~592~~ ⁵⁹², effective ~~DEC 14 1997~~.

SUPPORT A: GENERAL PROVISIONS

Section 702.110 Definitions

The following definitions apply to 35 Ill. Adm. Code 702, 703, 704, and 705. Terms not defined in this Section have the meaning given by the appropriate Act. When a defined term appears in a definition, the defined term is sometimes placed within quotation marks as an aid to readers. When a

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definition applies primarily to one or more programs, those programs appear in parentheses after the defined terms.

"Act" or "Environment Protection Act" means the Environmental Protection Act (415 ILCS 5).

"Administrator" means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit. For RCRA, application also includes the information required by the Agency under 35 Ill. Adm. Code 703.182 through 703.212 (contents of Part B of the RCRA application).

"Appropriate act and regulations" means the Resource Conservation and Recovery Act (RCRA); Safe Drinking Water Act (SDWA); or the "Environmental Protection Act", whichever is applicable; and applicable regulations promulgated under those statutes.

"Approved program or approved State" means a State or interstate program that has been approved or authorized by USEPA RFA under 40 CFR 271 (1996 #992) (RCRA) or Section 1422 of the SDWA (UIC).

"Aquifer" (RCRA and UIC) means a geological "formation", group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Area of review" (UIC) means the area surrounding an injection well described according to the criteria set forth in 35 Ill. Adm. Code 730.106; or in the case of an area permit, the project area plus a circumscribing area the width of that is either 402 meters (1/4 of a mile) or a number calculated according to the criteria set forth in 35 Ill. Adm. Code 730.106.

"Board" means the Illinois Pollution Control Board.

"Closure" (RCRA) means the act of securing a "Hazardous Waste Management Facility" pursuant to the requirements of 35 Ill. Adm. Code 724.

"Component" (RCRA) means any constituent part of a unit or any group of constituent parts of a unit that are assembled to perform a specific function (e.g., a pump seal, pump, kiln liner, or kiln thermocouple).

"Contaminant" (UIC) means any physical, chemical, biological, or

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radiological substance or matter in water.

"Corrective action management unit" or "CAMU" means an area within a facility that is designated by the Agency under 35 Ill. Adm. Code 724.128 for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724.201 and RCRA section 3008(h). A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

BOARD NOTE: USEPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

"CWA" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972), P.L. 92-500, as amended by P.L. 95-217 and P.L. 95-576; 33 U.S.C. 1251 et seq. (1996 1992).

"Date of approval by USEPA of the Illinois UIC program" means March 3, 1984.

"Director" means the Director of the Illinois Environmental Protection Agency or the Director's designee.

"Disposal" (RCRA) means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any "hazardous waste" into or on any land or water so that such hazardous waste or any constituent of the waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

"Disposal facility" (RCRA) means a facility or part of a facility at which "hazardous waste" is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

"Draft permit" means a document prepared under 35 Ill. Adm. Code 705.141 indicating the Agency's tentative decision to issue, deny, modify, terminate, or reissue a "permit". A notice of intent to deny a permit, as discussed in 35 Ill. Adm. Code 705.141, is a type of "draft permit". A denial of a request for modification, as discussed in 35 Ill. Adm. Code 705.128, is not a "draft permit". A "proposed permit" is not a "draft permit".

"Drilling mud Mud" (UIC) means a heavy suspension used in drilling an "injection well", introduced down the drill pipe and through the drill bit.

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"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes that are hazardous wastes only because they exhibit the corrosivity characteristics defined in 35 Ill. Adm. Code 721.122, or are listed in 35 Ill. Adm. Code 721.122 Subpart D only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle or vessel in 35 Ill. Adm. Code 720.110.

"Emergency permit" means a RCRA or UIC "permit" issued in accordance with 35 Ill. Adm. Code 703.221 or 704.163, respectively.

"Environmental Protection Agency" ("EPA" or "USEPA") means the United States Environmental Protection Agency.

"Exempted aquifer" (UIC) means an "aquifer" or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures in 35 Ill. Adm. Code 702.105, 704.104, and 704.123(b).

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility that was in operation or for construction commenced on or before November 19, 1980. A facility has commenced construction if:

"Existing injection well" (UIC) means an "injection well" other than a "new injection well".

The owner or operator has obtained the Federal, State, and local approvals or permits necessary to begin physical construction; and

Either:

A continuous on-site, physical construction program has begun; or

The owner or operator has entered into contractual obligations -- that cannot be canceled, cancelled or modified without substantial loss -- for physical construction of the facility to be completed within a reasonable time.

"Facility mailing list" means the mailing list for a facility maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163(a).

"Facility or activity" means any "HWM facility", UIC "injection well", or any other facility or activity (including land or appurtenances

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thereto) that is subject to regulations under the Illinois RCRA or UIC program.

"Facility mailing list" (RCRA) means the mailing list for a facility maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163.

"Federal, state, and local approvals or permits" means necessary to begin physical construction" means permits and approvals required under Federal, State, or local hazardous waste control statutes, regulations, or ordinances. (See 35 Ill. Adm. Code 700.102.)

"Initial authorization" (RCRA) means approval by USEPA of the Illinois Hazardous Waste Management Program that has met the requirements of Section 3006(b) of RCRA and the applicable requirements of 40 CFR 271, Subpart A (1996 1992). USEPA granted initial final authorization on January 31, 1986.

"Fluid" (UIC) means any material or substance that flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

"Formation" (UIC) means a body of rock characterized by a degree of lithologic homogeneity that is prevailing, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

"Formation fluid" (UIC) means "fluid" present in a "formation" under natural conditions, as opposed to introduced fluids, such as "drilling mud".

"Functionally equivalent component" (RCRA) means a component that performs the same function or measurement and which meets or exceeds the performance specifications of another component.

"Generator" (RCRA) means any person, by site location, whose act or process produces "hazardous waste" identified or listed in 35 Ill. Adm. Code 721.

"Groundwater" (RCRA and UIC) means a water below the land surface in a zone of saturation.

"Hazardous waste waste" (RCRA and UIC) means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste management facility" ("HWM facility") means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of "hazardous waste". A facility may consist of several "treatment", "storage", or

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"disposal" operational units (for example, one or more landfills, surface impoundments, or combinations of them).

"HWM facility" (RCRA) means "Hazardous Waste Management facility".

"Injection well" (RCRA and UIC) means a "well" into which "fluids" are being injected.

"Injection zone" (UIC) means a geological "formation", group of formations, or part of a formation receiving fluids through a "well".

"In operation" (RCRA) means a facility that is treating, storing, or disposing of "hazardous waste".

"Interim authorization" (RCRA) means approval by USEPA of the Illinois Hazardous Waste Management program that has met the requirements of Section 3006(g)(2) of RCRA and applicable requirements of 40 CFR 271 (1996 1992). This happened on May 17, 1982.

"Interstate agency" means an agency of two or more states established by or under an agreement or compact approved by the Congress, or any other agency of two or more states having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the "appropriate Act and regulations".

"Major facility" means any RCRA or UIC "facility or activity" classified as such by the Regional Administrator or the Agency.

"Manifest" (RCRA and UIC) means the shipping document originated and signed by the generator that contains the information required by 35 Ill. Adm. Code 722-Subpart B.

"National Pollutant Discharge Elimination System" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309, Subpart A and 310. The term includes an "approved program".

"New HWM facility" (RCRA) means a "Hazardous Waste Management facility" that began operation or for which construction commenced after November 19, 1980.

"New injection well" (UIC) means a "well" that began injection after the UIC program for the State of Illinois applicable to the well is approved.

"Off-site" (RCRA) means any site that is not "on-site".

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"On-site" (RCRA) means on the same or geographically contiguous property that may be divided by public or private right(s)-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right(s)-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way that the person controls and to which the public does not have access, is also considered on-site property.

"Owner or operator" means the owner or operator of any "facility or activity" subject to regulation under the RCRA or UIC programs.

"Permit" means an authorization, license, or equivalent control document issued to implement the requirements of this Part and 35 Ill. Adm. Code 703, 704, and 705.

"Permit" includes RCRA "permit by rule" (35 Ill. Adm. Code 703.141), UIC area permit (35 Ill. Adm. Code 704.162), and RCRA or UIC "Emergency Permit" (35 Ill. Adm. Code 703.221 and 704.163). "Permit" does not include RCRA interim status (35 Ill. Adm. Code 703.153 through 703.157), UIC authorization by rule (35 Ill. Adm. Code 704. Subpart C), or any permit that has not yet been the subject of final Agency action, such as a "Draft Permit" or a "Proposed Permit".

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency, or assigns.

"Physical construction" (RCRA) means excavation, movement of earth, erection of forms or structures or similar activity to prepare an "HWM facility" to accept "hazardous waste".

"Plugging" (UIC) means the act or process of stopping the flow of water, oil, or gas into or out of a formation through a borehole or well penetrating that formation.

"PTW" means "publicly owned treatment works".

"Project" (UIC) means a group of wells in a single operation.

"Publicly owned treatment works" ("POTW") is as defined in 35 Ill. Adm. Code 310.

"Radioactive waste" (UIC) means any waste that contains radioactive material in concentrations that exceed those listed in 10 CFR 20, Appendix B, Table II, Column 2, incorporated by reference in 35 Ill. Adm. Code 720.111.

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"RCRA" means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (P.L. 94-580, as amended by P.L. 95-609, P.L. 96-510, 42 U.S.C. 6901 et seq. (1996 1992)). For the purposes of regulation under 35 Ill. Adm. Code 700 through 705, 720 through 728, and 739, "RCRA" refers only to RCRA Subtitle C. This does not include the RCRA Subtitle D (municipal solid waste landfill) regulations, found in 35 Ill. Adm. Code 810 through 815, and the RCRA Subtitle I (underground storage tank) regulations found in 35 Ill. Adm. Code 731 and 732.

"RCRA permit" means a permit required under Section 21(f) of the Environmental Protection Act.

"Regional Administrator" means the Regional Administrator for the USEPA BPA Region in which the facility is located or the Regional Administrator's designee.

"Schedule of compliance" means a schedule of remedial measures included in a "permit", including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the "appropriate Act and regulations".

"SDWA" means the Safe Drinking Water Act (P.L. 93-523, as amended, 42 U.S.C. 300f et seq. (1996 1992)).

"Site" means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

"SIC code Code" means codes pursuant to the Standard Industrial Classification Manual incorporated by reference in 35 Ill. Adm. Code 720.111.

"State" means the State of Illinois.

"State Director" means the Director of the Illinois Environmental Protection Agency.

"State/EPA agreement Agreement" means an agreement between the Regional Administrator and the State that coordinates USEPA BPA and State activities, responsibilities, and programs including those under the RCRA and SDWA.

"Storage" (RCRA) means the holding of "hazardous waste" for a temporary period, at the end of which the hazardous waste is treated, disposed, or stored elsewhere.

"Stratum (plural strata)" (UIC) means a single sedimentary bed or

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layer, regardless of thickness, that consists of generally the same kind of rock material.

"Total dissolved solids" (UIC) means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 720.111.

"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous wastes are held during the normal course of transportation.

"Transferee" (UIC) means the owner or operator receiving ownership or operational control of the well.

"Transferor" (UIC) means the owner or operator transferring ownership or operational control of the well.

"Transporter" (RCRA) means a person engaged in the off-site transportation of "hazardous waste" by air, rail, highway, or water.

"Treatment" (RCRA) means any method, technique, process, including neutralization, designed to change the physical, chemical, or biological character or composition of any "hazardous waste" so as to neutralize such wastes, or so as to recover energy or material resources from the waste, or so as to render such wastes non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

"UIC" means the Underground Injection Control program.

"Underground injection" (UIC) means a "well injection".

"Underground source of drinking water" ("USDW") (RCRA and UIC) means an "aquifer" or its portion:

Which:

Supplies any public water system; or

Contains a sufficient quantity of groundwater to supply a public water system; and

Currently supplies drinking water for human consumption; or

Contains less than 10,000 mg/l total dissolved solids; and

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That is not an "exempted aquifer".

"USDW" (RCRA and UIC) means an "underground source of drinking water".

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility that is subject to regulation under 35 Ill. Adm. Code 309 Subpart A or 310; and

Receives and treats or stores an influent wastewater that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank or tank system in 35 Ill. Adm. Code 720.110.

"Well" (UIC) means a bored, drilled, or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

"Well injection" (UIC) means the subsurface emplacement of "fluids" through a bored, drilled, or driven "well"; or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

BOARD NOTE: Derived from 40 CFR 144.3 (1996 1994) and 270.2 (1996 1994) as amended at 66 Fed. Reg. 33914 (June 29, 1995).

(Source: Amended at 22 Ill. Reg. 720.110, effective UIC 1.1537)

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1) **Heading of the Part:** RCRA Permit Program

2) **Code citation:** 35 Ill. Adm. Code 703

3) **Section numbers:** Adopted action:

703.181 Amended

703.182 Added

703.192 Added

703.213 Added

703.221 Added

703.223 Added

703.225 Amended

703.232 Amended

703.240 Amended

703.248 Added

703.260 Amended

4) **Statutory authority:** 415 ILCS 5/22.4 and 27.

5) **Effective date of amendments:** December 16, 1997

6) **Does this rulemaking contain an automatic repeal date?** No

7) Do these amendments contain incorporations by reference? Yes. 35 Ill. Adm. Code 720.111 is the central listing of all documents incorporated by reference for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739. The present amendments add a reference to a USEPA procedure for verifying total enclosure at Section 703.213. 35 Ill. Adm. Code 720.111 is amended to reflect those added references.

8) **Date filed in Board's principal office:** Order adopted November 6, 1997.

9) **Notice of proposal published in Illinois Register:** August 8, 1997, 21 Ill. Reg. 10667

10) Has JCAR issued a Statement of Objections to these rules? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. Nevertheless, JCAR did review the text in the course of preparing a Notice of Proposed Amendments for publication in the Illinois Register. JCAR made a number of minor revisions to the text of the proposed amendments, as approved by the Board by its opinion and order of July 24, 1997, before they appeared in the August 8, 1997, Notice of Proposed Amendments in the Register. The Board has reviewed the JCAR revisions to

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the text, and accepted nearly all of them. The revisions are outlined in the response to question (11) below.

- 11) Differences between proposal and final version: The Board has made a number of minor revisions to the text of the amendments as proposed. Most are in response to comments from JCAR. A full number are based on comments from the Illinois Environmental Protection Agency (Agency). The others are based on the Board's review of the text in response to the JCAR and Agency suggestions. As explained in the response to question (10) above, JCAR altered the text of the proposed amendments between the time Board approved them for public comment on July 24, 1997, and when they appeared in a Notice of Proposed Amendments in the August 8, 1997, issue of the *Illinois Register*. The table below indicates the revisions undertaken, the source(s) of each, and their location in the text. The table indicates the revisions to the text as approved by the Board on July 24, 1997, not necessarily reflecting its appearance in the August 8, 1997, *Illinois Register* as altered by JCAR. A second table indicates the JCAR revisions that the Board has not accepted. Those revisions appeared in the August 8, 1997, issue of the *Register*.

Revisions to the Text Since the Proposal for Public Comment

<u>Section</u>	<u>Source</u>	<u>Revision(s)</u>
703. Source Note	JCAR	Removed underlining of added text
703.180	JCAR	Removed from text, since no amendments were actually proposed or adopted
703.183(n)	Board	Added period to abbreviation "Adm."
703.183(t)	Board	Changed ending punctuation to a semicolon added "and"
703.191(c)	JCAR	Replaced "above" with "of this Section"
703.191(d)	JCAR	Removed comma after "notice"
703.191(d)(1)(A)	JCAR	Replaced "below" with "of this Section"
703.191(d)(1)(B)	JCAR	Replaced "below" with "of this Section"
703.191(d)(1)(C)	JCAR	Replaced "below" with "of this Section"
703.191(d)(1)(D)	JCAR	Replaced "Section" with "35 Ill. Adm. Code"
703.191(d)(2)	JCAR	Replaced "above" with "of this Section"
703.192(b)(1)	JCAR	Replaced "Section" from cross reference; corrected "that Section" to "35 Ill. Adm. Code 705.163(a)(5)"

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703.192(b)(2)	Agency	Changed "10 days" to "30 calendar days" (substituting for the federal language "reasonable time")
703.192(c)	JCAR	Replaced "above" with "of this Section"
703.193(b)	JCAR	Moved period inside closing parenthesis
703.193(d)	JCAR	Added "is" to complete sentence
703.193(f)	JCAR	Replaced "above" with "of this Section"
703.221(b)(1)	Board	Changed "shall" to "must"
703.223(a)	Board	Changed "below" to "of this Section"
703.223(b)(4)	Board	Changed "below" to "of this Section"
703.223(b)(8)	JCAR	Added "(b)" to complete sentence
703.223(b)(8)	Board	Changed "below" to "of this Section"
703.223(c)	JCAR	Changed "subsubsection" to "Section"
703.223(e)(4)	Board	Changed "above" to "of this Section"
703.223(f)	Agency	Corrected "that Section" to "35 Ill. Adm. Code 705.163(a)(5)"
703.223(f)(2)(D)	JCAR	Changed ending punctuation to semicolon
703.223(g)(2)	JCAR	Changed "PORC's" to "PORCS"
703.223(g)(10)	JCAR	Changed ending punctuation to semicolon
703.223(h)	JCAR	Changed "(f)" to "(g)" to correspond with shift in subsection numbering; replaced "above" with "of this Section"
703.223(j)	JCAR	Changed "subsubsection" to "Section"
703.223(k) Board	Board	Added complete CFR date
703.225	Board, JCAR	Capitalized "Code;" corrected spelling of "trial" in base text (twice); removed repeated words "the Agency shall specify a time period to?" from the base text; corrected "BOARD NOTE" to agree with text on file
703.232(a)	JCAR	Replaced "below" with "of this Section" (twice)
703.232(b)(1)(A)	JCAR	Capitalized "Part B," referring to a segment of the permit application
703.232(b)(1)(B)	JCAR	Capitalized "Part B," referring to a segment of the permit application

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703.232(b)(2)	Board	Changed "below" to "of this Section" in base text
703.232(b)(2)	JCAR	Capitalized "Part B," referring to a segment of the permit application
703.232(b)(3)(B)	JCAR	Capitalized "Part B," referring to a segment of the permit application
703.232(b)(3)(C)	JCAR	Capitalized "Part B," referring to a segment of the permit application
703.232(c)(2)(A)	Board	Dropped the full cite form for the second appearance of a reference
703.232(c)(3)(D)	JCAR	Changed capitalized "Feed" to lower case "feed"
703.232(c)(3)(F)	JCAR	Removed extraneous ending conjunction "and"
703.232(c)(5)	Board	Changed "above" to "of this Section" in base text
703.232(c)(9)	JCAR	Changed "above" to "of this Section"
703.232(d)(3)	Agency	Corrected that Section to "35 Ill. Adm. Code 705.163(a)(5)"
703.232(f)(3)	Board	Changed "tetra-octa congeners" to "tetra-octa-chlorinated congeners"
703.232(g)	Board, JCAR	Capitalized "70-" to "70;" and "above" with "of this Section" (twice)
703.232(g)	JCAR	Capitalized "Part B," referring to a segment of the permit application (five times)
703.240 Board	Board	Corrected "BOARD NOTE" to agree with text on file
Note	JCAR	Corrected "BOARD NOTE" to agree with text on file (two locations); updated the CFR reference
703.260(b) Board	Board	Corrected "BOARD NOTE" to agree with text on file (two locations); updated the CFR reference

The table of suggested amendments that the Board declined to make is organized a bit differently from the above tables. Since the revisions declined are few, there is only a single table that includes all 13 Parts of the regulations under amendment. The table also indicates the suggestion and its source in the middle column, and the Board's response appears in the right column.

Suggestions Not Accepted

Source: Suggestion	Board Response
JCAR: change "within three working days of" to "within three working days after"	Existing text follows the federal original and is clearly understandable; a deviation could create

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ambiguity

Agency: amend 35 Ill. Adm. Code 705.161 to include the notice referenced in this provision

Agency: replace the word "published" with language that would require sending the notice to listed persons

JCAR: correct "U.S. EPA" to "USEPA"

JCAR: correct "U.S. EPA" to
"USEPA"

Agency: amend 35 Ill. Adm. Code 705.161 to include the notice referenced in this provision

JCAR: change "within 90 days of" to "within 90 days after"

Agency: amend 35 Ill. Adm. Code 705.161 to include the notice referenced in this provision

112) Have all the changes agreed upon by the Board and JCAR been made as

part 705 is not open
for amendment in this
proceeding; the Board
will include such an
amendment in the next
RCRA Subtitle C update
R97-
ocket,

The language of 40 CFR 124.32(b)(2) includes the word "published;" it is up to the Agency to determine what USEPA intended, but the Board will retain the word from the federal

No change necessary;
already corrected in

No change necessary;
already corrected in

Part 705 is not open for amendment in this proceeding; the Board will include such an

20/R98-3/R98-5
Existing text follows
the federal original
and is clearly
understandable; a
deviation could create

ambiguity
Part 705 is not open
for amendment in this
proceeding; the Board
will include such an
amendment in the next
RCRA Subtitle C update
docket, R97-
20/R98-3/R98-5

indicated in the agreement letter issued by JCAR. Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or second notice review by JCAR. As explained in the response to questions (10) and (11) above, JCAR altered the text of the proposed amendments between when the Board approved them for public comment on August 7, 1997, and when the Board issued the final amendments on August 29, 1997. The issue of the *Illinois Register* regarding the JCAR revisions to the text, and accepted nearly all of them. The revisions outlined in the response to question (11) above.

13) Will these amendments replace emergency amendments currently in effect?
NO

14) Are there any other amendments pending on this Part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
703.123	Amend	November 21, 1997, 21 Ill. Reg. 14740

The Board proposed regulations on November 6, 1997, under docket number 98-1, that would designate certain mercury-containing lamps as universal waste. The effect of this action would be to regulate these wastes under Admin. Code 733, rather than under the generally-applicable body of hazardous waste regulations at 35 Ill. Admin. Code 721. The Board's proposed regulations at 35 Ill. Admin. Code 721.1(b)(2)(i) and 721.1(b)(2)(ii) would

15) Summary and purpose of Amendments: A more detailed description is contained in the Board's opinion and order of November 6, 1997, in consolidated docket P96-10/AP/7-3, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to prior notice or to second notice review by JCAC.

The R96-10 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1, 1995, through December 31, 1995. The R97-3 proceeding updates the Board's UIC rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1996, through June 30, 1996. R97-5 updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1996, through December 30, 1996. During these time-frames, USEPA undertook a number of administrative rulemaking actions, outside the normal docket time-frames, are included for various

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reasons.

Docket R96-10: July 1, 1995, through December 31, 1995, RCRA Subtitle C Amendments

July 7, 1995 (61 Fed. Reg. 35452) Corrections to Subpart CC rules. USEPA corrected the docket number in the Federal Register preamble discussion of December 6, 1994.

July 11, 1995 (61 Fed. Reg. 35703) Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.

August 14, 1995 (61 Fed. Reg. 41817) Notice of revised interpretation of carbamate rule. USEPA revised its interpretation of its carbamate rules to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.

September 29, 1995 (61 Fed. Reg. 50426) Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

October 23, 1995 (61 Fed. Reg. 54311) Correction of Hazardous Waste delisting for entity with an Illinois Facility. USEPA restored the text of the Enviroite Corp. delisting inadvertently deleted when USEPA intended to amend the delisting only to delete the waste from the delisting source (in Connecticut) on February 8, 1994.

October 30, 1995 (61 Fed. Reg. 55202) Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject

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to more stringent regulations.

November 13, 1995 (61 Fed. Reg. 56552) Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

December 11, 1995 (61 Fed. Reg. 63417) Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

The Board did not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period of July 1, 1995, through December 31, 1995. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995, in the prior RCRA Subtitle C update docket, R95-20, adopted June 20, 1996. No further action is required of the Board on those matters. Further, the Board will need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995. The Board is taking action on the federal actions of July 11 and December 11, 1995 in this consolidated docket.

In addition to the direct revisions to the RCRA Subtitle C regulations during the time period of docket R96-10, USEPA amended the federal water pollution control regulations three times during the period July 1, 1995, through December 31, 1995, in a way that could affect the Illinois RCRA Subtitle C rules. These federal actions revised analytical methods of 40 CFR 136, as follows:

Federal Action
August 2, 1995 (61 Fed. Reg. 39586)
Summary
USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.

August 28, 1995 (61 Fed. Reg. 44670)
October 16, 1995 (61 Fed. Reg. 53529)
USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater.
USEPA added whole effluent toxicity testing to the approved methods.

The methods codified in 40 CFR 136 are incorporated by reference at

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Section 720.111 of the Illinois RCRA Subtitle C rules for the purposes of the hazardous waste and underground injection control regulations. The Board updated the incorporations by updating to the 1996 edition of the Code of Federal Regulations.

Docket R97-5: January 1, 1996, through June 30, 1996, RCRA Subtitle C Amendments

Federal Action
February 9, 1996
(61 Fed. Reg. 4903)

Summary
Support CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 8, 1991, Support CC organic material emissions standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
(61 Fed. Reg. 10684)

Relation to federal authorization of Illinois program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI.7" "HSWA Cluster II.7 and RCRA Clusters I-III.7" rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990, and November 22, 1993.

March 26, 1996
(61 Fed. Reg. 13103)

Correction to exclusion for recovered oil reinserted into refining process. USEPA corrected an error in its July 28, 1994, exclusion of recovered oil from the definition of solid waste.

April 8, 1996
(61 Fed. Reg. 15596)

Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

April 8, 1996
(61 Fed. Reg. 15662)

Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in Chemical Waste Management, Inc. v. EPA, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993).

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Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994, Phase II LDRs that were also overruled by Pub. L. 104-119.

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

Phase III LDR corrections. USEPA corrected the effective dates set forth in Federal Register notice for its Phase III LDR rules.

Support CC organic material emission standards amendment to effect partial stay.

Technical corrections to the April 8, 1996, Phase III LDR corrections. USEPA made emissions requirements until October 6, 1996.

December 6, 1994, Support CC organic material Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996, Phase III LDRs and partial withdrawal.

Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992, used oil mixtures rule in response to a January 19, 1996, vacatur in Safety-Kleen Corp. v. EPA, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995, administrative stay of the rule.

As with the previous docket time-frame, the Board will not need to act on certain of the January 1, 1996, through June 30, 1996, federal RCRA Subtitle C amendments. The Board dealt with the federal amendments of June 5, 1996, in docket R95-20, on June 20, 1996. Further, the March 15, 1996, action related to federal authorization of the Illinois RCRA Subtitle C program, which the Board notes in this opinion, but which requires no further action. Finally, as discussed below, the June 28, 1996, federal action requires no action because it reversed the federal amendments of October 30, 1995, described above.

Later Federal Actions

A small number of federal amendments to the RCRA Subtitle C regulations directly affect the subject matter involved in this docket by virtue of

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the amendments included in R96-10 and R97-5. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1, 1996, through December 31, 1996. These include the following federal actions:

Federal Action

July 10, 1996
(61 Fed. Reg. 36419)

August 26, 1996
(61 Fed. Reg. 43923)

November 25, 1996
(61 Fed. Reg. 59931)

Summary

Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996, actions.

Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs. Final Amendments to the "Subpart CC" rules. USEPA adopted final amendments to its December 6, 1994, organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5, for the period January 1, 1997, through June 30, 1997, are the following:

Federal Action

January 14, 1997
(62 Fed. Reg. 1991)

February 19, 1997
(62 Fed. Reg. 7501)

May 12, 1997
(62 Fed. Reg. 25997)

Summary

Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996, actions amending these tables.

Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (On July 16, 1997, the Board received a motion from the Peoria Disposal Company to expedite on narrow aspect of these amendments that significantly reduced the paperwork burden of

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the requirements for waste certifications.) Amendment of organic material listings in response to judicial remedy. USEPA deleted number of carbamate waste listings in response to the demand in Dithiocarbamate Task Force v. EPA, 98 F.3d 1394 (D.C. Cir. 1996).

June 17, 1997
(62 Fed. Reg. 32977)

Finally, the Board has included a single action from the update period July 1, 1997, through December 31, 1997, for which there is no docket presently reserved. That action is the following:

Federal Action

July 14, 1997
(62 Fed. Reg. 37693)

Summary

Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Docket R97-3: January 1, 1996, through June 30, 1996, UIC Amendments

Federal Action

April 8, 1996
(61 Fed. Reg. 15596)

Summary

Phase III land disposal restrictions (LDRs). tcl April 30, 1996 (61 Fed. Reg. 19117)
Phase III LDR corrections.
Phase III LDR corrections.

June 28, 1996
(61 Fed. Reg. 33680)

t+1

Specifically, the amendments to Part 703 add the federally-required public participation amendments to the RCRA Subtitle C permitting rules. Another minor amendment adds cross-references for the purposes of implementing the organic material emissions regulations applicable to tanks, containers, and surface impoundments for hazardous waste (called the "Subpart CC" rules). The Board further adopted this amendment to make a number of non-substantive corrective and editorial amendments to the existing text of Part 703.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of November 6, Victoria "gyeman, at the above address, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER B: PERMITS

PART 703

RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

703.100 Scope and Relation to Other Parts

703.101 Purpose

703.110 References

SUBPART B: PROHIBITIONS

Section

703.120 Prohibitions in General

703.121 RCRA Permits

703.122 Specific Inclusions in Permit Program

703.123 Specific Exclusions from Permit Program

703.124 Discharges of Hazardous Waste

703.125 Reapplications

703.126 Initial Applications

703.127 Federal Permits (Repealed)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section

703.140 Purpose and Scope

703.141 Permits by Rule

703.142 Application by Existing HWM Facilities and Interim Status

703.150 Qualifications

703.151 Application by New HWM Facilities

703.152 Amended Part A Application

703.153 Qualifying for Interim Status

703.154 Prohibitions During Interim Status

703.155 Changes During Interim Status

703.156 Interim Status Standards

703.157 Grounds for Termination of Interim Status

703.158 Permits for Less Than an Entire Facility

703.159 Closure by Removal

703.160 Procedures for Closure Determination

SUBPART D: APPLICATIONS

Section

703.161 Purpose and Scope

703.162 Applications by Existing HWM Facilities and Interim Status

703.163 Qualifications

703.164 Application by New HWM Facilities

703.165 Amended Part A Application

703.166 Qualifying for Interim Status

703.167 Prohibitions During Interim Status

703.168 Changes During Interim Status

703.169 Interim Status Standards

703.170 Grounds for Termination of Interim Status

703.171 Permits for Less Than an Entire Facility

703.172 Closure by Removal

703.173 Procedures for Closure Determination

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Applications in General

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703.181 Contents of Part A

703.182 Contents of Part B

703.183 General Information

703.184 Facility Location Information

703.185 Groundwater Protection Information

703.186 Exposure Information

703.187 Solid Waste Management Units

703.188 Other Information

703.189 Public Participation: pre-Application Public Notice and Meeting

703.190 Public Participation: Public Notice of Application

703.191 Public Participation: Information Repository

703.200 Specific Part B Application Information

703.201 Containers

703.202 Tank Systems

703.203 Surface Impoundments

703.204 Waste Piles

703.205 Incinerators that Burn Hazardous Waste

703.206 Land Treatment

703.207 Landfills

703.208 Boilers and Industrial Furnaces Burning Hazardous Waste

703.209 Miscellaneous Units

703.210 Process Vents

703.211 Equipment

703.212 Drip Pads

703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers

SUBPART E: SHORT TERM AND PHASED PERMITS

Section

703.221 Emergency Permits

703.222 Incinerator Conditions Prior to Trial Burn

703.223 Incinerator Conditions During Trial Burn

703.224 Incinerator Conditions After Trial Burn

703.225 Trial Burns for Existing Incinerators

703.230 Land Treatment Demonstration

703.231 Research, Development and Demonstration Permits

703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section

703.240 Permit Denial

703.241 Establishing Permit Conditions

703.242 Noncompliance Pursuant to Emergency Permit

703.243 Monitoring

703.244 Notice of Planned Changes (Repealed)

703.245 Twenty-Four Hour Reporting

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- documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);
- j) Traffic pattern, estimated volume (number and types of vehicles), and control (for example, show turns across traffic lanes and stacking lanes, if appropriate); describe access road surfacing and load bearing capacity; and show traffic control signals;
- k) Facility location information, as required by Section 703.184;
- l) An outline of both the introductory and continuing training programs by the owner or operator to prepare persons to operate or maintain the HWM facility in a safe manner, as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);
- m) A copy of the post-closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.219, 724.218, 724.297, 724.300, 724.301, 724.302, 724.303, 724.304, 724.305, 724.306, 724.307, 724.308, 724.410, 724.451, 724.701, and 724.703;
- n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm. Code 724.219 have been filed;
- o) The most recent closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.242, and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
- p) Where applicable, the most recent post-closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.244, plus a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
- q) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for an alternative level of required coverage for a new or existing facility may be submitted as specified in 35 Ill. Adm. Code 724.247(c);
- r) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface

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water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HWM facilities located in mountainous areas shall use facilities and methods to adequately show topographic profiles of facilities. The map must clearly show the following:

- 1) Map scale and date;
 - 2) 100-year floodplain area;
 - 3) Surface waters including intermittent streams;
 - 4) Surrounding land uses (e.g., residential, commercial, agricultural, recreational, etc.);
 - 5) Wind rose (i.e., prevailing windspeed and direction);
 - 6) Orientation of the map (north arrow);
 - 7) Legal boundaries of the HWM facility site;
 - 8) Access control (e.g., fences, gates, etc.);
 - 9) Injection and withdrawal wells both on-site and off-site;
 - 10) Buildings; treatment, storage, or disposal operations; or other structures (e.g., recreation areas, runoff control systems, access and internal roads, storm, sanitary and process sewage systems, loading and unloading areas, fire control facilities, etc.);
 - 11) Barriers for drainage or flood control;
 - 12) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored, or disposed (include equipment cleanup areas);
- BOARD NOTE: For large HWM facilities, the Agency shall allow the use of other scales on a case by case basis.
- s) Applicants shall submit such information as the Agency determines is necessary for it to determine whether to issue a permit and what conditions to impose in any permit issued; and
- t) For land disposal facilities, if a case-by-case extension has been approved under 35 Ill. Adm. Code 728.105 or if a petition has been approved under 35 Ill. Adm. Code 728.106, a copy of the notice of approval of the extension or of approval of the petition is required;
- u) A summary of the pre-application meeting, along with a list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under 35 Ill. Adm. Code 703.191(c).

BOARD NOTE: Derived from 40 CFR 270.14(b) (1996 1994), as amended at 61 59 Fed. Reg. 59996 62952 (Nov. 25, 1996 Bec-67-1994).

(Source: Amended at 22 Ill. Reg. 1.637, effective

Section 703.191 Public Participation: Pre-Application Public Notice and Meeting

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- a) **Applicability.** The requirements of this Section shall apply to any RCRA Part B application seeking an initial permit for a hazardous waste management unit. The requirements of this Section shall also apply to any RCRA Part B application seeking renewal of a permit for such a unit where the renewal application is being submitted for a "significant change" in facility operations. For the purposes of this Section, "significant change" is any change that would qualify as a class 3 permit modification under Sections 703.283 and 703.283(a). The requirements of this Section do not apply to permit modifications under Sections 703.280 through 703.283 or to applications that are submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.
- b) Prior to the submission of a RCRA Part B permit application for a facility, the applicant must hold at least one meeting with the public in order to solicit questions from the community and inform the community of its proposed hazardous waste management activities. The applicant shall post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide their names and addresses.
- c) The applicant shall submit to the Agency, as part of its RCRA Part B permit application, a summary of the meeting, along with the list of attendees and their addresses developed under subsection (b) of this Section and copies of any written comments or materials submitted at the meeting, in accordance with Section 703.183.
- d) The applicant must provide public notice of the pre-application meeting at least 30 days prior to the meeting. The applicant must maintain documentation of the notice and provide that documentation to the permitting agency upon request.
- e) The applicant shall provide public notice in each of the following forms:

- A) A newspaper advertisement. The applicant shall publish a notice in a newspaper of general circulation in the county that contains the address and location of the facility. The notice must fulfill the requirements set forth in subsection (d)(2) of this Section. In addition, the applicant shall instruct the applicant to publish the notice in newspapers of general circulation in adjacent counties where the Agency determines that such publication is necessary to inform the affected public. The notice must be published as a display advertisement.
- B) A visible and accessible sign. The applicant shall post a notice on a clearly marked sign at or near the facility. The notice must fulfill the requirements set forth in subsection (d)(2) of this Section. If the applicant places the sign on the facility property, then the sign must be large enough to be readable from the nearest point where the public would pass by the site.
- C) A broadcast media announcement. The applicant shall broadcast a notice at least once on at least one local radio

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- station or television station. The notice must fulfill the requirements set forth in subsection (d)(2) of this Section. The applicant may employ another medium with prior approval of the Agency.
- D) The notice to the Agency. The applicant shall send a copy of the newspaper notice to the permitting agency and to the supervisor of the State of Illinois local government, in accordance with 35 Ill. Adm. Code 705.163(a).
- 2) The notices required under subsection (d)(1) of this Section must include:
- The date, time, and location of the meeting;
 - A brief description of the purpose of the meeting;
 - A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location;
 - A statement encouraging people to contact the facility at least 72 hours before the meeting if they need special access to participate in the meeting; and
 - The name, address, and telephone number of a contact person for the applicant.
- BOARD NOTE: Derived from 40 CFR 124.31 (1996).

(Source: Added at 22 Ill. Reg. 600.1077, effective 06-01-1997)

Section 703.192 Public Participation: Public Notice of Application

- a) **Applicability.** The requirements of this Section shall apply to any RCRA Part B application seeking an initial permit for a hazardous waste management unit. The requirements of this Section shall also apply to any RCRA Part B application seeking renewal of a permit for such a unit under 35 Ill. Adm. Code 702.125. The requirements of this Section do not apply to permit modifications under Sections 703.280 through 703.283 or a permit application submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.
- b) **Notification of public participation.**
- The Agency shall provide public notice as set forth in 35 Ill. Adm. Code 705.161, and notice to appropriate units of State and local government as set forth in 35 Ill. Adm. Code 705.163(a)(5), that a Part B permit application has been submitted to the Agency and is available for review.
 - The notice shall be published within 30 calendar days after the application is received by the Agency. The notice must include:
 - The name and telephone number of the applicant's contact person;
 - The name and telephone number of the appropriate Agency regional office, as directed by the Agency, and a mailing

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address to which information, opinions, and inquiries may be directed throughout the permit review process;

- C) An address to which people can write in order to be put on the facility mailing list;
D) The location where copies of the permit application and any supporting documents can be viewed and copied;
E) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location on the front page of the notice; and

The date that the application was submitted:

- c) Concurrent with the notice required under subsection (b) of this Section, the Agency shall place the permit application and any supporting documents in a location accessible to the public in the vicinity of the facility or at the Agency regional office appropriate for the facility.

BOARD NOTE: Derived from 40 CFR 124.32 (1996).

[illegible]

Section 703.193 Public Participation: Information Repository

- a) Applicability. The requirements of this Section shall apply to an application seeking a RCRA permit for a hazardous waste management unit.
- b) The Agency shall assess the need for an information repository on a case-by-case basis. When assessing the need for an information repository, the Agency shall consider a variety of factors, including the following: the level of public interest; the type of facility; the presence of an existing repository; and the proximity to the nearest copy of the administrative record. If the Agency determines, at any time after submittal of a permit application, that there is a need for a repository, then the Agency shall notify the facility that it must establish and maintain an information repository. (See Section 703.248 for similar provisions relating to the information repository during the life of a permit.)

(73) The information repository must contain all documents, reports, data, and information deemed necessary by the Agency to fulfill the purposes for which the repository is established. The Agency will have the discretion to limit the contents of the repository.

- d) The information repository must be located and maintained at a site chosen by the facility. If the Agency determines that the chosen site is unsuitable for the purposes and persons for which it was established, due to problems with the location, hours of availability, access, or other relevant considerations, then the Agency shall specify a more appropriate site.

- e) The Agency shall specify requirements for the applicant for informing

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the public about the information repository. At a minimum, the Agency shall require the facility to provide a written notice about the information repository to all individuals on the facility mailing list.

- f) The facility owner or operator shall be responsible for maintaining and updating the repository with appropriate information throughout a time period specified by the Agency. The Agency may close the repository if it determines that the repository is no longer needed based on its consideration of the factors in subsection (b) of this Section.

BOARD NOTE: Derived from 40 CFR 124.33 (1996).

(Source: Added at 22 Ill. Reg. _____ effective _____)

Section 703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers

Except as otherwise provided in 35 Ill. Adm. Code 724.101, owners and operators of tanks, surface impoundments, or containers that use air emission controls in accordance with the requirements of 35 Ill. Adm. Code 724.Subpart CC shall provide the following additional information:

- a) Documentation for each floating roof cover installed on a tank subject to 35 111. Adm. Code 724.984(d)(1) or (d)(2), **747247**—or—**724.984(b)(7)** that includes information prepared by the owner or operator or provided by the owner, manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the applicable design specifications, as listed in 35 111. Adm. Code 725.991(e)(1) or (f)(1)(iv).
- b) Identification of each container area subject to the requirements of 35 111. Adm. Code 724.984(d)(1) or (d)(2), **747247**—or—**724.984(b)(7)** by the owner or operator that the requirements of this Subpart are met.
- c) Documentation for each enclosure used to control air pollutant emissions from containers in accordance with the requirements of 35 111. Adm. Code 724.984(d)(5) or 724.996(e)(1)(ii), **747247** that includes records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the applicable permit conditions, as specified in the procedures in "Criteria for Enclosure Design" of the Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 111. Adm. Code 725.991(f)(1)(ii), **747247**—or—**725.991(f)(1)(iii)**, information prepared by the owner or operator or provided by the manufacturer or vendor describing the enclosure design; and certification by the owner or operator that the enclosure meets the specifications listed in 35 111. Adm. Code 725.991(f)(1)(ii), **747247**.

- d) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of 35 Ill. Adm. Code 724.985(c) that includes information prepared by the owner or operator

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- or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in 35 Ill. Adm. Code 264.985(c)(1) 255-9667.
- e) Documentation for each closed-vent system and control device installed in accordance with the requirements of 35 Ill. Adm. Code 724.967 that includes adequate performance information, as specified in Section 703.124, 743-24(c) and 61.
- f) An emission monitoring plan for both Method 21 in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111 and control device monitoring methods. This plan must include the following information: monitoring points, monitoring methods for control devices, monitoring frequency, procedures for documenting exceedances, and procedures for mitigating noncompliances.
- g) When an owner or operator of a facility subject to 35 Ill. Adm. Code 725.Subpart CC cannot comply with 35 Ill. Adm. Code 724.Subpart CC by the date of permit issuance, the schedule of implementation required under 35 Ill. Adm. Code 725.982.

BOARD NOTE: Derived from 40 CFR 270.27(a) (1996), as amended at 61 Fed. Reg. 59936 (Nov. 25, 1996) ~~7-added-at-59-Reg-62952-(Dec-67 1994).~~

(Source: Amended at 22 Ill. Reg. ~~10-1-96~~, effective ~~10-1-96~~)

SUBPART E: SHORT TERM AND PHASED PERMITS

Section 703.221 Emergency Permits

- a) Notwithstanding any other provision of this Part or 35 Ill. Adm. Code 702 or 705, in the event that the Agency finds an imminent and substantial endangerment to human health or the environment the Agency may issue a temporary emergency permit:
- 1) at a non-permitted facility to allow treatment, storage or disposal of a hazardous waste, or
 - 2) at a permitted facility to allow treatment, storage or disposal of a hazardous waste not covered by an effective permit.
- b) This emergency permit:
- 1) May be oral or written. If oral, it must ~~shall~~ be followed in five days by a written emergency permit;
 - 2) Shall not exceed 90 days in duration;
 - 3) Shall clearly specify the hazardous wastes to be received and the manner and location of their treatment, storage or disposal;
 - 4) May be terminated by the Agency at any time without process if it determines that termination is appropriate to protect human health and the environment;
 - 5) Shall be accompanied by a public notice published under 35 Ill. Adm. Code 705.162 including:

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- A) Name and address of the office granting the emergency authorization;
- B) Name and location of the permitted HWM facility;
- C) Brief description of the wastes involved;
- D) A brief description of the action authorized and reasons for authorizing it; and
- E) Duration of the emergency permit; and
- 6) Shall incorporate, to the extent possible, and not inconsistent with the emergency situation, all applicable requirements of this Part and 35 Ill. Adm. Code 724.
- 7) Emergency permits which would authorize actions not in compliance with Board rules, other than procedural requirements, require a variance or provisional variance pursuant to Title IX of the Environmental Protection Act and 35 Ill. Adm. Code 104.

BOARD NOTE: Derived from See 40 CFR 270.61 (1996).†

(Source: Amended at 22 Ill. Reg. ~~10-1-96~~, effective ~~10-1-96~~)

Section 703.223 Incinerator Conditions During Trial Burn

For the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 724.443 and of determining adequate operating conditions under 35 Ill. Adm. Code 724.445, the Agency shall establish conditions in the permit to a new hazardous waste incinerator to be effective during the trial burn.

- a) Applicants shall propose a trial burn plan, prepared under subsection (b) of this Section below with Part B of the permit application;
- b) The trial burn plan must include the following information:

- 1) An analysis of each waste or mixture of wastes to be burned that includes:
 - A) Heat value of the waste in the form and composition in which it will be burned;
 - B) Viscosity (if applicable), or description of physical form of the waste;
 - C) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721-Appendix H, that are present in the waste to be burned, except that the applicant need not analyze for constituents listed in 35 Ill. Adm. Code 721-Appendix H that would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified, and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA 8-83--BPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent;
- D) An approximate quantification of the hazardous constituents

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identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA 8-55-BPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent;

- 2) A detailed engineering description of the incinerator for which the permit is sought including:
 - A) Manufacturer's name and model number of incinerator (if available);
 - B) Type of incinerator;
 - C) Linear dimensions of the incinerator unit including the cross sectional area of combustion chamber;
 - D) Description of the auxiliary fuel system (type/feed);
 - E) Capacity of prime mover;
 - F) Description of automatic waste feed cut-off system(s);
 - G) Stack gas monitoring and pollution control equipment;
 - H) Nozzle and burner design;
 - I) Construction materials;
 - J) Location and description of temperature, pressure and flow indicating and control devices;
 - 3) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency and planned analytical procedures for sample analysis;
 - 4) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned and other factors relevant to the Agency's decision under subsection (e) of this Section below;
 - 5) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, combustion gas velocity, use of auxiliary fuel and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;
 - 6) A description of, and planned operating conditions for, any emission control equipment that will be used;
 - 7) Procedures for rapidly stopping waste feed, shutting down the incinerator and controlling emissions in the event of an equipment malfunction;
 - 8) Such other information as the Agency reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection (b) and the criteria in subsection (e) of this Section below. Such information must be requested by the Agency pursuant to 35 Ill. Adm. Code 705.123.
- c) The Agency, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and shall require the applicant, pursuant to 35 Ill. Adm. Code 705.123, to supplement this information, if necessary, to achieve the purposes of this Section

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subsection:

- d) Based on the waste analysis data in the trial burn plan, the Agency shall specify as trial Principal Organic Hazardous Constituents (POHCs), those constituents for which destruction and removal efficiencies must be specified by the Agency based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis; their concentration or mass in the waste feed, and, for wastes listed in 35 Ill. Adm. Code 721. Subpart D, the hazardous waste organic constituent of constituents identified in 35 Ill. Adm. Code 721. Appendix G or H as the basis for listing;
 - e) The Agency shall approve a trial burn plan if it finds that:
 - 1) The trial burn is likely to determine whether the incinerator performance standard required by 35 Ill. Adm. Code 724.43 can be met;
 - 2) The trial burn itself will not present an imminent hazard to human health or the environment;
 - 3) The trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 724.44; and
 - 4) The information sought in subsections (e)(1) and (e)(3) of this Section above cannot reasonably be developed through other means;
 - f) The Agency shall send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.161(a)(5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.
 - 1) This notice must be mailed within a reasonable time period before the scheduled trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.
 - 2) This notice must contain:
 - A) The name and telephone number of the applicant's contact person;
 - B) The name and telephone number of the Agency regional office appropriate for the facility;
 - C) The location where the approved trial burn plan and any support documents can be reviewed and copies and
 - D) An expected time period for commencement and completion of the trial burn.
- g) During each approved trial burn (or as soon after the burn as is practicable), the applicant shall make the following determinations:
- 1) A quantitative analysis of the trial POHCs, in the waste feed to the incinerator;
 - 2) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHCs, molecular oxygen and hydrogen chloride (HCl);
 - 3) A quantitative analysis of the scrubber water (if any), ash

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residues and other residues, for the purpose of estimating the fate of the trial burn;

- 4) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 724.443(a);

- 5) If the HCl (hydrogen chloride) emission rate exceeds 1.8 kilograms of HCl per hour (4 pounds per hour), a computation of HCl removal efficiency in accordance with 35 Ill. Adm. Code 724.443(b);

- 6) A computation of particulate emissions, in accordance with 35 Ill. Adm. Code 724.443(c);

- 7) An identification of sources of fugitive emissions and their means of control;

- 8) A measurement of average, maximum and minimum temperatures and gas continuous measurement of carbon monoxide (CO) in the exhaust

- 10) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards in 35 Ill. Adm. Code 724.443 and to establish the operating condition required by 35 Ill. Adm. Code 724.445 as necessary to meet that performance standard.

b) The applicant shall submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and shall submit the results of all the determinations required in subsection (g) of this Section ~~ff~~ above. This submission must be made within 90 days of completion of the trial burn, or later if approved by the Agency;

1) All data collected during any trial burn must be submitted to the Agency following the completion of the trial burn;

2) All submissions required by this Section ~~subsection~~ must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126;

3) Based on the results of the trial burn, the Agency shall set the operating requirements in the final permit according to 35 Ill. Adm. Code 724.445. The permit modification must proceed as a minor modification according to Section 703.280.

BOARD NOTE: Derived from 40 CFR 270.62(b) (1995) ~~40 CFR 270.62(b) (1995) 40 CFR 270.62(b) (1995) 40 CFR 270.62(b) (1995)~~ 40 CFR 270.62(b) (1995) 40 CFR 270.62(b) (1995)

(Source: Amended at 22 Ill. Reg. DEC 14, 1997 effective 1/1/98)

Section 703.225 Trial Burns for Existing Incinerators

For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 724.443 and of determining adequate operating conditions under 35 Ill. Adm. Code 724.445, the applicant for a permit for an

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existing hazardous waste incinerator shall prepare and submit a trial burn plan and perform a trial burn in accordance with Sections 703.205(b) and 703.223(b) through (e) and (g) through (j) ~~ff~~, or, instead, submit other information as specified in Section 703.205(c). The Agency shall announce its intention to approve the trial burn plan in accordance with the timing and distribution requirements of Section 703.223(f). The contents of the notice must include: the name and telephone number of a contact person at the facility;

the name and telephone number of a contact office at the Agency; the location where the trial burn plan and any supporting documents can be reviewed and copies; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Agency approval of the plan and the time period during which the trial burn would be conducted.

Applicants submitting information under Section 703.205(a) are exempt from compliance with 35 Ill. Adm. Code 724.443 and 724.445 and, therefore, are exempt from the requirement to conduct a trial burn. Applicants that who submit trial burn plans and receive approval before submission of a permit application shall complete the trial burn and submit the results, specified in Section 703.223(g) ~~ff~~, with Part B of the permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant shall contact the Agency to establish a later date for submission of the Part B application or the trial burn results.

b) The applicant shall submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and shall submit the results of all the determinations required in subsection (g) of this Section ~~ff~~ above. This submission must be made within 90 days of completion of the trial burn, or later if approved by the Agency;

1) All data collected during any trial burn must be submitted to the Agency following the completion of the trial burn;

2) All submissions required by this Section ~~subsection~~ must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126;

3) Based on the results of the trial burn, the Agency shall set the operating requirements in the final permit according to 35 Ill. Adm. Code 724.445. The permit modification must proceed as a minor modification according to Section 703.280.

BOARD NOTE: Derived from 40 CFR 270.62(d) (1995) ~~40 CFR 270.62(d) (1995) 40 CFR 270.62(d) (1995) 40 CFR 270.62(d) (1995)~~ 40 CFR 270.62(d) (1995) 40 CFR 270.62(d) (1995)

(Source: Amended at 22 Ill. Reg. DEC 14, 1997 effective 1/1/98)

Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

a) General. Owners and operators of new boilers and industrial furnaces (those not operating under the interim status standards of 35 Ill. Adm. Code 726.203) are subject to subsection (b) through (f) of this Section below. Boilers and industrial furnaces operating under the interim status standards of 35 Ill. Adm. Code 726.203 are subject to subsection (g) of this Section below.

b) Permit operating periods for new boilers and industrial furnaces. A permit for a new boiler or industrial furnace must specify appropriate conditions for the following operating periods:

1) Pretrial burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operation readiness to conduct a trial burn, not to exceed 720 hours operating time when

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burning hazardous waste, the Agency shall establish in the permit application the conditions, including but not limited to allowable hazardous waste feed rates and operating conditions. The Agency shall extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to Section 703.280 et seq.

A) Applicants must submit a statement, with Part **part B** of the permit application, that suggests the conditions necessary to operate in compliance with the standards of 35 Ill. Adm. Code 726.204 through 726.207 during this period. This statement should include, at a minimum, restrictions on the applicable operating requirements identified in 35 Ill. Adm. Code 726.202(e).

B) The Agency shall review this statement and any other relevant information submitted with Part **part B** of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

2) Trial burn period. For the duration of the trial burn, the Agency shall establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and determining adequate operating conditions under 35 Ill. Adm. Code 726.202(e). Applicants shall propose a trial burn plan, prepared under subsection (c) of this Section **below**, to be submitted with Part **part B** of the permit application.

3) Post-trial burn period.

A) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data competition and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the Agency shall establish the operating requirements most likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

B) Applicants shall submit a statement, with Part **part B** of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. This statement should include, at a minimum, restrictions on the operating requirements provided by 35 Ill. Adm. Code 726.202(e).

C) The Agency shall review this statement and any other

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relevant information submitted with Part **part B** of the permit application and specify requirements of this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

4) Final permit period. For the final period of operation the Agency shall develop operating requirements in conformance with 35 Ill. Adm. Code 726.202(e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. Based on the trial burn results, the Agency shall make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification must proceed according to Section 703.280 et seq.

c) Requirements for trial burn plans. The trial burn plan must include the following information. The Agency, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this subsection.

1) An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, that includes:

A) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine/chloride, and ash; and

B) Viscosity or description of the physical form of the feed stream.⁷

2) An analysis of each hazardous waste, as fired, including:

A) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721-Appendix H that are present in the feed stream, except that the applicant need not analyze for constituents listed in 721-Appendix H that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified as the basis for this exclusion explained. The analysis must be conducted in accordance with analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA 8-S-BPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent.

B) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA 8-S-BPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or other equivalent.

C) A description of blending procedures, if applicable, prior

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to firing the hazardous waste, including a detailed analysis of the hazardous waste prior to blending, an analysis of the material with which the hazardous waste prior to blending, an analysis of the material with which the hazardous waste is blended, and blending ratios.

- 3) A detailed engineering description of the boiler or industrial furnace, including:
 - A) Manufacturer's name and model number of the boiler or industrial furnace;
 - B) Type of boiler or industrial furnace;
 - C) Maximum design capacity in appropriate units;
 - D) Description of the feed feed system for the hazardous waste and, as appropriate, other fuels and industrial furnace feedstocks;
 - E) Capacity of hazardous waste feed system;
 - F) Description of automatic hazardous waste feed cutoff system(s); and
 - G) Description of any pollution control system; and
 - H) Control monitoring systems.
 - 4) A detailed description of sampling and monitoring procedures including sampling and monitoring locations in the systems, the equipment to be used, sampling and monitoring frequency, and sample analysis.
 - 5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including date(s), duration, quantity of hazardous waste to be burned, and the test results relevant to the Agency's decision under subsection (b)(2) of this Section above.
 - 6) A detailed test protocol, including for each hazardous waste:
 - a) identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 35 Ill. Adm. Code 726.204 through 726.207.
 - 7) A description of and planned operating conditions for any emission control equipment that will be used.
 - 8) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction.
 - 9) Such other information as the Agency finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection and the criteria in subsection (b)(2) of this Section above.
- d) Trial burn procedures.
- 1) A trial burn must be conducted to demonstrate conformance with the standards of 35 Ill. Adm. Code 726.104 through 726.107.
 - 2) The Agency shall approve a trial burn plan if the Agency finds that:

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- A) The trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of 35 Ill. Adm. Code 726.104 through 726.107.
 - B) The trial burn itself will not present an imminent hazard to human health and the environment;
 - C) The trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 726.102(e); and
 - D) The information sought in the trial burn cannot reasonably be developed through other means.
- 3) The Agency shall send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.
- A) This notice must be mailed within a reasonable time period before the trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.

- B) This notice must contain:
 - i) The name and telephone number of applicant's contact person;
 - ii) The name and telephone number of the Agency regional office appropriate for the facility;
 - iii) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and
 - iv) The expected time period for commencement and completion of the trial burn.
- 4) The applicant shall submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and submit the results of all determinations required in subsection (c) of this Section above. The Agency shall, in the trial burn plan, require that the submission be made within 90 days after completion of the trial burn, or later if the Agency determines that a later date is acceptable.
- 5) All data collected during any trial burn must be submitted to the Agency following completion of the trial burn.
- 6) All submissions required by this subsection must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126.
- e) Special procedures for DRE trial burns. When a DRE trial burn is required under 35 Ill. Adm. Code 726.104, the Agency shall specify (based on the hazardous waste analysis data and other information in

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the trial burn plan) as trial Principal Organic Hazardous Constituents (POHCs) those compounds for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Agency based on information including the Agency's estimate of the difficulty of destroying the constituents identified in the hazardous waste analysis, their concentrations or mass in the hazardous waste feed, and, for hazardous waste containing or derived from wastes listed in 35 Ill. Adm. Code 721. Subpart D, the hazardous waste organic constituent(s) identified in 35 Ill. Adm. Code 721. Appendix G as the basis for listing.

f) Determinations based on trial burn. During each approved trial burn (or as soon after the burn as is practicable), the applicant shall make the following determinations:

1) A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride in the feed streams (hazardous waste, other fuels, and industrial furnace feedstocks);

2) When a DRE trial burn is required under 35 Ill. Adm. Code 726.204(a):

A) A quantitative analysis of the trial POHCs in the hazardous waste feed;

B) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs; and

C) A computation of (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 726.204(a).

3) When a trial burn for chlorinated dioxins and furans is required under 35 Ill. Adm. Code 726.204(e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra- through octa-congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard.

4) When a trial burn for PM, metals, or HCl/Chlorine gas is required under 35 Ill. Adm. Code 726.205, 726.206(c) or (d) or 726.207(b)(2) or (c), a quantitative analysis of the stack gas for the concentrations and mass emissions of PM, metals, or HCl and chlorine gas and computations showing conformance with the applicable emission performance standards;

5) When a trial burn for DRE, metals, and HCl/Chlorine gas is required under 35 Ill. Adm. Code 726.204(a), 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine/chloride;

6) An identification of sources of fugitive emissions and their means of control;

7) A continuous measurement of carbon monoxide (CO), oxygen, and, where required hydrocarbons (HC), in the stack gas; and

8) Such other information as the Agency specifies as necessary to

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ensure that the trial burn will determine compliance with the performance standards 35 Ill. Adm. Code 726.204 through 726.207 and to establish the operating conditions required by 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, and to establish the operating conditions required by 35 Ill. Adm. Code 726.202(e) as necessary to meet those performance standards.

g) Interim status boilers and industrial furnaces. For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, applicants owning or operating existing boilers or industrial furnaces operated under the interim status standards of 35 Ill. Adm. Code 726.203 shall either prepare and submit a trial burn plan and perform a trial burn in accordance with the requirements of the Section or submit other information as specified in Section 703.208(a)(6). The Agency shall announce its intention to approve of the trial burn plan in accordance with the timing and distribution requirements of subsection (d)(3) of this Section. The contents of the notice must include: the name and telephone number of a contact person at the facility; the name and telephone number of Agency regional office appropriate for the facility; the location where the trial burn plan and any supporting documents can be reviewed and copies; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Agency approval of the plan and the time periods during which the trial burn would be conducted. Applicants that submit a trial burn plan and receive approval before submission of the Part B permit application shall complete the trial burn and submit the results specified in subsection (f) of this Section above with the Part B permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant shall contact the Agency to establish a later date for submission of the Part B application or the trial burn results. If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the Agency.

BOARD NOTE: Derived from 40 CFR 270.66 (1995) (1999); as amended--at 56 Fed. Reg. 46691 (Aug-31-1999).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART F: PERMIT CONDITIONS

Section 703.240 Permit Denial

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The Agency may, pursuant to the procedures of 35 Ill. Adm. Code 705, deny the permit application either in its entirety or only as to the active life of a HWM facility or unit only.

BOARD NOTE: Derived from 40 CFR 270.29 (1996) as-adopted--at--54--Peds--Reg-96077-March-7-1999.

(Source: Amended at 22 Ill. Reg. 5534, effective 11/1/99)

Section 703.248 Information Repository

The Agency may require the permittee to establish and maintain an information repository at any time, based on the factors set forth in Section 703.193(b). The information repository shall be governed by the provisions in Section 703.193(c) through (f).

BOARD NOTE: Derived from 40 CFR 270.30(m) (1996).

(Source: Added at 22 Ill. Reg. 5534, effective 11/1/99)

SUBPART G: CHANGES TO PERMITS

Section 703.260 Transfer

- a) A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or reissued (under subsection (b) or Section 703.272) to identify the new permittee and incorporate such other requirements as are necessary under the appropriate Act. The new owner or operator must obtain the permit. The transferred shall comply with all the terms and conditions specified in such permit.
- b) Changes in the ownership or operational control of a facility must be made as a Class 1 modification with the prior written approval of the Agency in accordance with Section 703.281. The new owner or operator shall submit a revised permit application no later than 90 days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees must also be submitted to the Agency. When a transfer of ownership or operational control occurs, the old owner or operator shall comply with the requirements of 35 Ill. Adm. Code 724-Subpart H (Financial Requirements), until the new owner or operator has demonstrated compliance with that Subpart. The new owner or operator shall demonstrate compliance with that Subpart within six months after the date of change of operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with that Subpart, the Agency shall notify the old owner or operator that the old owner or operator no longer needs to comply with that Subpart as of the date of demonstration.

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BOARD NOTE: Derived from 40 CFR 270.40 (1996) as-amended-at-53-Peds-Reg-96077-September-28-1999.

BOARD NOTE: The new operator may be required to employ a chief operator that who is certified pursuant to 35 Ill. Adm. Code 745.

(Source: Amended at 22 Ill. Reg. 5534, effective 11/1/99)

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- 1) **Heading of the Part:** Standards Applicable to Transporters of Hazardous Waste
- 2) **Code citation:** 35 Ill. Adm. Code 723
- 3) **Section numbers:** Adopted action:
723.110 Amended
723.120 Amended
- 4) **Statutory authority:** 415 ILCS 5/22.4 and 27
- 5) **Effective date of amendments:** December 16, 1997
- 6) **Does this rulemaking contain an automatic repeal date?** No
- 7) **Do these amendments contain incorporations by reference?** No. 35 Ill. Adm. Code 720.111 is the central list of all documents incorporated by reference for the purpose of all of 35 Ill. Adm. Code 702 through 705, except for the amendments to 720.111, 720.112, 720.113, 720.114, 720.115, 720.116, 720.117, 720.118, 720.119, 720.120, 720.121, 720.122, 720.123, 720.124, 720.125, 720.126, 720.127, 720.128, 720.129, 720.130, 720.131, 720.132, 720.133, 720.134, 720.135, 720.136, 720.137, 720.138, 720.139, 720.140, 720.141, 720.142, 720.143, 720.144, 720.145, 720.146, 720.147, 720.148, 720.149, 720.150, 720.151, 720.152, 720.153, 720.154, 720.155, 720.156, 720.157, 720.158, 720.159, 720.160, 720.161, 720.162, 720.163, 720.164, 720.165, 720.166, 720.167, 720.168, 720.169, 720.170, 720.171, 720.172, 720.173, 720.174, 720.175, 720.176, 720.177, 720.178, 720.179, 720.180, 720.181, 720.182, 720.183, 720.184, 720.185, 720.186, 720.187, 720.188, 720.189, 720.190, 720.191, 720.192, 720.193, 720.194, 720.195, 720.196, 720.197, 720.198, 720.199, 720.200, 720.201, 720.202, 720.203, 720.204, 720.205, 720.206, 720.207, 720.208, 720.209, 720.210, 720.211, 720.212, 720.213, 720.214, 720.215, 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720.993, 720.994, 720.995, 720.996, 720.997, 720.998, 720.999, 721.000
- 8) **Date filed in Board's principal office:** Order adopted November 6, 1997.
- 9) **Notice of proposal published in Illinois Register:** August 8, 1997, 21 Ill. Reg. 10699
- 10) **Has JCAR issued a Statement of Objections to these rules?** No. Section 22.4(a) of the Environmental Protection Act (415 ILCS 5/22.4(a)) provides that Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. Nevertheless, JCAR did review the text in the course of preparing a Notice of Proposed Amendments for publication in the Illinois Register. JCAR made a number of minor revisions to the text of the proposed amendments, as approved by the Board by its opinion and order of July 24, 1997, before they appeared in the August 8, 1997, Notice of Proposed Amendments in the Register. The Board has reviewed the JCAR revisions to the text, and accepted all of them. The revisions are outlined in the response to question (11) below.

- 11) **Differences between proposal and final version:** The Board has made a number of minor revisions to the text of the amendments as proposed. Most are in response to comments from JCAR. A small number are based on comments from the Illinois Environmental Protection Agency (Agency). Many others are based on the Board's review of the text in response to the JCAR and Agency suggestions. As explained in the response to question (10)

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above, JCAR altered the text of the proposed amendments between when the Board approved them for public comment on July 24, 1997, and when they appeared in the August 8, 1997, Notice of Proposed Amendments in the Illinois Register. The table below indicates the revisions undertaken by the source(s) of each, and their location in the text. The table indicates that the text as approved by the Board on July 24, 1997, not necessarily reflecting its appearance in the August 8, 1997, Illinois Register as altered by JCAR.

Revisions to the Text Since the Proposal for Public Comment

Section	Source	Revision(s)
723.120(a) Note	JCAR	Removed underlining of added text
723.120(a)(1)	Board	Removed duplicate word "subject"
723.120(f)(1)(C)(i)	JCAR	Board deleted "or." at end
723.120(f)(2)	Board	Corrected to standard note format
Board Note		
12)	Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. As explained in the response to questions (10) and (11) above, JCAR altered the text of the proposed amendments between when the Board approved them for public comment on August 7, 1997, and when they appeared in a Notice of Proposed Amendments in the August 29, 1997, issue of the <i>Illinois Register</i> . The Board has reviewed the JCAR revisions to the text, and accepted all of them. The revisions are outlined in the response to question (11) above.	

- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any other amendments pending on this Part? No.

- 15) **Summary and purpose of Amendments:** A more detailed description is contained in the Board's opinion and order of November 6, 1997, in consolidated docket R96-10/R97-3/R97-5, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R96-10 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the

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Federal Register during the period July 1, 1995, through December 31, 1995. The R37-3 proceeding updates the Board's UIC rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1996, through June 30, 1996. R37-5 proceeding updates the Board's RCRA Subtitle C hazardous waste rules. R37-5 correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1996, through June 30, 1996. During these time-frames, USEPA undertook a number of amendments. Certain later actions, outside the normal docket time-frames, are included for various reasons.

Docket R96-10: July 1, 1995, through December 31, 1995, RCRA Subtitle C Amendments:

- July 7, 1995
(61 Fed. Reg. 35452)
Corrections to Subpart CC rules. USEPA corrected the docket number in the Federal Register preamble discussion of December 6, 1994.
- July 11, 1995
(61 Fed. Reg. 35703)
Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.
- August 14, 1995
(61 Fed. Reg. 41817)
Notice of revised interpretation of carbamate rule. USEPA revised its interpretation of its carbamate rules to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.
- September 29, 1995
(61 Fed. Reg. 50426)
Partial State of Subpart CC rules. USEPA stayed the organic material emission rules of the hazardous waste treatment, storage, and disposal facility standards they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.
- October 23, 1995
(61 Fed. Reg. 54311)
Correction of hazardous waste delisting entity with an Illinois facility. USEPA restored the text of the Enviroite Corp. delisting inadvertently deleted when USEPA intended to amend the delisting only to delete the waste from a single source (in Connecticut) on February 8, 1994.

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- October 30, 1995
(61 Fed. Reg. 55202)
Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed as hazardous (Subpart D waste). The stay exhibited a characteristic (Subpart D waste) of the used oil regulations, rather than under the generally applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations than they are under.
- November 13, 1995
(61 Fed. Reg. 56952)
Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.
- December 11, 1995
(61 Fed. Reg. 63417)
Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

The Board did not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period of July 1, 1995, through December 31, 1995. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995, in the prior RCRA Subtitle C docket R96-10, adopted June 20, 1996. No further action is required of the Board on those matters. Further, the Board will need to take no further action on the federal actions of August 14 and October 23 and 30, 1995. The Board is taking action on the federal actions of July 11 and December 11, 1995 in this consolidated docket.

In addition to the direct revisions to the RCRA Subtitle C regulations during the time period of docket R96-10, USEPA amended the federal water pollution control regulations three times during the period July 1, 1995, through December 31, 1995, in a way that could affect the Illinois RCRA Subtitle C rules. These federal actions revised analytical methods of 40 CFR 136, as follows:

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Federal Action
August 2, 1995
(61 Fed. Reg. 39586)

Summary
USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.

August 28, 1995
(61 Fed. Reg. 44670)

October 16, 1995
(61 Fed. Reg. 53529)

USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater. USEPA added whole effluent toxicity testing to the approved methods.

The methods codified in 40 CFR 136 are incorporated by reference at Section 720.111 of the Illinois RCRA Subtitle C rules for the purposes of the hazardous waste and underground injection control regulations. The Board updated the incorporations by updating to the 1996 edition of the Code of Federal Regulations.

Docket R97-5: January 17, 1996, through June 30, 1996, RCRA Subtitle C Amendments

Federal Action
February 9, 1996
(61 Fed. Reg. 4903)

Summary
Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994, Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
(61 Fed. Reg. 10684)

Summary
USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and "RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990, and November 22, 1993.

March 26, 1996
(61 Fed. Reg. 13103)

Summary
Correction to exclusion for recovered oil reextracted into refining process. USEPA corrected an error in its July 28, 1994, rule of recovered oil from the definition of solid waste.

April 8, 1996
(61 Fed. Reg. 15596)

Summary
USEPA adopted treatment standards for carbonate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the

As with the previous docket time-frame, the Board will not need to act on certain of the January 1, 1996, through June 30, 1996, federal RCRA Subtitle C amendments. The Board dealt with the federal amendments of June 5, 1996, in docket R95-20, on June 20, 1996. Further, the March 15,

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April 8, 1996
(61 Fed. Reg. 15662)

Summary
USEPA withdrew those segments of the Phase III LDR partial withdrawal and the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in Chemical Waste Management, Inc. v. EPA, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994, Phase II LDRs that were also overruled by Pub. L. 104-119.

April 12, 1996
(61 Fed. Reg. 16309)

Summary
USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

April 30, 1996
(61 Fed. Reg. 19117)

Summary
Phase III LDR corrections. (two separate actions). In each action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules. Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994, Subpart CC organic material emissions requirements until October 6, 1996.

June 28, 1996
(61 Fed. Reg. 33680)

Summary
Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996, Phase III LDRs and partial withdrawal. Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992, used oil mixtures rule in response to a January 19, 1996, vacatur in Safety-Kleen Corp. v. EPA, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995, administrative stay of the rule.

June 28, 1996
(61 Fed. Reg. 33691)

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1996, action related to federal authorization of the Illinois RCRA Subtitle C program which the Board notes in this opinion, but which requires no further action. Finally, as discussed below, the June 28, 1996, Federal action requires no action because it reversed the federal amendments of October 30, 1995, described above.

Later Federal Actions

A small number of federal amendments to the RCRA Subtitle C regulations directly affect the subject matter involved in this docket by virtue of the amendments included in R96-10 and R97-5. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1, 1996, through December 31, 1996. These include the following federal actions:

Federal Action

July 10, 1996
(61 Fed. Reg. 36419)
Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996, actions.

August 26, 1996
(61 Fed. Reg. 43923)
Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs.

November 25, 1996
(61 Fed. Reg. 59931)
Final Amendments to the "Subpart CC" rules. USEPA adopted final amendments to its December 6, 1994, organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effectiveness of these rules.) The amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5, for the period January 1, 1997, through June 30, 1997, are the following:

Federal Action

January 14, 1997
(62 Fed. Reg. 1991)
Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

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February 19, 1997
(62 Fed. Reg. 7501)
Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996, actions amending these tables.

May 12, 1997
(62 Fed. Reg. 25997)
Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (On July 16, 1997, the Board received a motion from the Peoria Disposal Company to expedite on narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.) Amendment of carbamate waste listings in response to a judicial remand. USEPA deleted a number of carbamate waste listings in response to the remand in *Dithiocarbamate Task Force v. EPA*, 98 F.3d 1394 (D.C. Cir. 1996).

June 17, 1997
(62 Fed. Reg. 32973)

Finally, the Board has included a single action from the update period July 1, 1997, through December 31, 1997, for which there is no docket presently reserved. That action is the following:

Federal Action

July 14, 1997
(62 Fed. Reg. 37693)

Summary

Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Docket R97-3: January 1, 1996, through June 30, 1996, UIC Amendments

Federal Action

April 8, 1996
(61 Fed. Reg. 15596)
April 30, 1996
(61 Fed. Reg. 19117)
June 28, 1996
(61 Fed. Reg. 33680)

Summary

Phase III land disposal restrictions (LDRs).
Phase III LDR corrections.
Phase III LDR corrections.

Specifically, the amendments to Part 723 implement the transporter aspects of the OECD regulations applicable to international shipments of hazardous waste for recycling. The Board further used this opportunity to make a number of non-substantive corrective and editorial amendments to the existing text of Part 723.

16) Information and questions regarding these adopted amendments shall be directed to:

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- transportation requires a manifest under 35 Ill. Adm. Code Part 722.
- b) These regulations do not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.
- c) A transporter of hazardous waste must also comply with 35 Ill. Adm. Code Part 722, "Standards Applicable to Generators of Hazardous Waste", if he:
- 1) Transports hazardous waste into the United States from abroad; or
 - 2) Mixes hazardous waste of different DOT shipping descriptions by placing them into a single container.
- d) Generators of hazardous waste that who store hazardous waste are required to comply with the storage standards in 35 Ill. Adm. Code Parts 724 and 725 and the permit requirements of 40 CFR Part 122.
- e) A transporter of hazardous waste subject to the manifesting requirements of 35 Ill. Adm. Code 722 or the waste management standards of 35 Ill. Adm. Code 733 that is being imported from or exported to any of the countries listed in 35 Ill. Adm. Code 722.158(a)(1) for purposes of recovery is subject to this Subpart H, to all other relevant requirements of 35 Ill. Adm. Code 722 Subpart H, including, but not limited to, 35 Ill. Adm. Code 722.184 for tracking documents. Part--708--contains--rules--concerning--application--of--other Board-regulations;

(Source: Amended at 22 Ill. Reg. 6.010, effective 1-1-80)

SUBPART B: COMPLIANCE WITH THE MANIFEST
SYSTEM AND RECORDKEEPING

Section 723.120 The Manifest System

- a) No acceptance without a manifest.
- 1) A transporter shall not accept hazardous waste from a generator unless it is accompanied by a manifest signed in accordance with the provisions of 35 Ill. Adm. Code 722.120. In the case of exports other than those subject to 35 Ill. Adm. Code 722 Subpart H, a transporter shall not accept such waste from a primary generator or the other person.
 - 2) If the transporter knows the shipment does not conform with 35 Ill. Adm. Code 722.151, and
 - 3) If the transporter knows the shipment does not conform with 35 Ill. Adm. Code 722.151, and
 - 4) If the transporter knows the shipment does not conform with 35 Ill. Adm. Code 722.120, the waste is also accompanied by a USEPA Acknowledgement of Consent which, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)).
 - 5) For exports of hazardous waste subject to the requirements of 35

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- Ill. Adm. Code 722 Subpart H, a transporter may not accept hazardous waste without a tracking document that includes all information required by 35 Ill. Adm. Code 722.184.
- b) Before transporting the hazardous waste, the transporter shall sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter shall return a signed copy to the generator before leaving the facility. The manifest accompanies the hazardous waste. In the case of exports, the transporter shall ensure that a copy of the USEPA Acknowledgement of Consent also accompanies the hazardous waste.
- c) A transporter that who delivers a hazardous waste to another transporter or to the designated facility shall:
- 1) Obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest; and
 - 2) Retain one copy of the manifest in accordance with Section 723.122; and
 - 3) Given the remaining copies of the manifest to the accepting transporter or designated facility.
- d) The requirements of subsections (c), (d) and (e) do not apply to water (bulk shipment) transporters if:
- 1) The hazardous waste is delivered by water (bulk shipment) to the designated facility; and
 - 2) A shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification and signatures) accompanies the hazardous waste and, for exports, a USEPA Acknowledgement of Consent accompanies the hazardous waste; and
 - 3) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator designated facility on either the manifest or the shipping paper; and
 - 4) The person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the transporter (bulk shipment) transporter on the shipping paper and forwards the manifest and facility to the water (bulk shipment) transporter in accordance with Section 723.122.
- e) For shipments involving rail transportation, the requirements of subsections (c), (d) and (e) do not apply and the following requirements do apply:
- 1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter shall:
 - A) Sign and date the manifest acknowledging acceptance of the hazardous waste;
 - B) Return a signed copy of the manifest to the non-rail transporter;

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- C) Forward at least three copies of the manifest to:
- The next non-rail transporter, if any; ~~err~~
 - The designated facility, if the shipment is delivered to that facility by rail; or
 - The last rail transporter designated to handle the waste in the United States;
- D) Retain one copy of the manifest and rail shipping paper in accordance with Section 723.122.
- 2) All transporters shall ensure that a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification and signatures and, for exports, a USEPA Acknowledgment of Consent accompanies the hazardous waste at all times.
- (Board-Note BOARD NOTE: Intermediate rail transporters are not required to sign either the manifest or shipping paper.)
- 3) When delivering hazardous waste to the designated facility, a rail transporter shall:
- Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and
 - Retain a copy of the manifest or signed shipping paper in accordance with Section 723.122.
- 4) When delivering hazardous waste to a non-rail transporter a rail transporter shall:
- Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and
 - Retain a copy of the manifest in accordance with Section 723.122.
- 5) Before accepting hazardous waste from a rail transporter, a non-rail transporter shall sign and date the manifest and provide a copy to the rail transporter.
- 9) Transporters that ~~who~~ transport hazardous waste out of the United States shall:
- Indicate on the manifest the date the hazardous waste left the United States; and
 - Sign the manifest and retain one copy in accordance with Section 723.122(c); and
 - Return a signed copy of the manifest to the generator; and
 - Give a copy of the manifest to a United States Customs official at the point of departure from the United States.
- h) A transporter transporting hazardous waste from a generator that ~~who~~ generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in calendar month need not comply with the requirements of this Section of those of Section 723.122 provided that:
- The waste is being transported pursuant to a reclamation agreement provided for in 35 Ill. Adm. Code 722.120(e);

- 2) The transporter records, on a log or shipping paper, the following information for each shipment:
- The name, address and USEPA Identification Number (35 Ill. Adm. Code 722.112) of the generator of the waste;
 - The quantity of waste accepted;
 - All shipping information required by the United States Department of Transportation;
 - The date the waste is accepted; and
- 3) The transporter carrier this record when transporting waste to the reclamation facility; and
- 4) The transporter retains these records for a period of at least three years after termination or expiration of the agreement.

(Source: Amended at 22 Ill. Reg. _____, effective _____, DEC 1, 1994)

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- 1) Heading of the Part: Standards Applicable to Generators of Hazardous Waste

- 2) Code citation: 35 Ill. Adm. Code 722

- 3) Section numbers: Adopted action:
722.110, 722.134, 722.153 Amended
722.156, 722.158 Amended
722.180, 722.181, 722.182 Added
722.183, 722.184, 722.185 Added
722.186, 722.187, 722.189 Added

- 4) Statutory authority: 415 ILCS 5/22.4 and 27.

- 5) Effective date of amendments: December 16, 1997

- 6) Does this rulemaking contain an automatic repeal date?: No

- 7) Do these amendments contain incorporations by reference? Yes. 35 Ill. Adm. Code 720.111 is the central listing of all documents incorporated by reference for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 730, 733, 736, and 739. The present amendments add Section 720.111 to the central listing of documents incorporated by reference. Section 722.187, 722.188 and 722.189. 35 Ill. Adm. Code 720.111 is amended to reflect those added references.

- 8) Date filed in Board's principal office: Order adopted November 6, 1997.

- 9) Notice of proposal published in Illinois Register: August 8, 1997, 21 Ill. Reg. 10712

- 10) Has JCAR issued a Statement of Objections to these rules? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. Nevertheless, JCAR did review the text in the course of preparing a Notice of Proposed Amendments for publication in the Illinois Register. JCAR made a number of minor revisions to the text of the proposed amendments, as approved by the Board by its opinion and order of July 24, 1997, before they appeared in the August 8, 1997, Notice of Proposed Amendments in the Register. The Board has reviewed the JCAR revisions to the text, and accepted nearly all of them. The revisions are outlined in the response to question (11) below.

- 11) Differences between proposal and final version: The Board has made a number of minor revisions to the text of the amendments as proposed. Most are in response to comments from JCAR. A small number are based on

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comments from the Illinois Environmental Protection Agency (Agency). Many others are based on the Board's review of the text in response to the JCAR and Agency suggestions. As explained in the response to question (10) above, JCAR altered the text of the proposed amendments between when the Board approved them for public comment on July 24, 1997, and when they appeared in a Notice of Proposed Amendments in the August 8, 1997, issue of the Illinois Register. The table below indicates the revisions undertaken, the source(s) of each, and their location in the text. The table indicates the revisions to the text as approved by the Board on July 24, 1997, not necessarily reflecting its appearance in the August 8, 1997, Illinois Register as altered by JCAR. A second table indicates the single JCAR revision that the Board has not accepted. That revision appeared in the August 8, 1997, issue of the Register.

Revisions to the Text Since the Proposal for Public Comment

Section	Source	Revision(s)
722. Table of Contents	Board, JCAR	Changed "762" to "722" in Subpart H
722. Source Note	JCAR	Section numbers; added underlining to headings for the entirety of Subpart H
722.110(c)	Board	Added "effective" to listing for R95-20; removed underlining of added text
722.110(d)	JCAR	Changed "SPA" to "USEPA"
722.134(a)	Board	Replaced "35 Ill. Adm. Code 722" with "this Part," replaced "722-Subpart H" with "Subpart H of this Part."
722.134(a)	JCAR	Changed "below" to "of this Section" in base text
722.134(a)	JCAR	Corrected cross-reference to singular "subsection"
722.134(a)(1)(B)	JCAR	Corrected cross-reference to singular "Subpart"
722.134(a)(1)(D)(ii)	JCAR	Changed ending punctuation to a semicolon
722.134(a)(1)(D)(ii) Board Note	JCAR	Changed "above" to "of this Section" in base text
722.134(a)(3)	JCAR	Changed ending punctuation to a semicolon
722.134(c)(1)	Board	Changed "above" to "of this Section" in base text
722.134(c)(2)	Board	Changed "above" to "of this Section" in base text (three times)
722.134(d)(4)	Board	Changed "above" to "of this Section" in base text

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to the text, and accepted nearly all of them. The revisions are outlined in the response to question (11) above.

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of Amendments: A more detailed description is contained in the Board's opinion and order of November 6, 1997, in consolidated docket R96-10/R97-3/R97-5, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R96-10 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1, 1995, through December 31, 1995. The R97-3 proceeding updates the Board's UIC rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1996, through June 30, 1996. R97-5 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1996, through June 30, 1996. During these time-frames, USEPA undertook a number of amendments. Certain later actions, outside the normal docket time-frames, are included for various reasons.

Docket R96-10: July 1, 1995, through December 31, 1995, RCRA Subtitle C Amendments:

July 7, 1995
(61 Fed. Reg. 35452)
Corrections to Subpart CC rules. USEPA corrected the docket number in the Federal Register preamble discussion of December 6, 1994.

July 11, 1995
(61 Fed. Reg. 35703)
Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.

August 14, 1995
(61 Fed. Reg. 41817)
Notice of revised interpretation of carbonate rule. USEPA revised its interpretation of its carbonate rules to determine that wastes from the off-site production of non-carbonate intermediates that are used exclusively in carbonate production are not

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subject to the carbonate rule. Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

October 23, 1995
(61 Fed. Reg. 54311)
Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the text of the Enviroite Corp. delisting inadvertently deleted when USEPA intended to amend the delisting only to delete the waste from a single source (in Connecticut) on February 8, 1994.

October 30, 1995
(61 Fed. Reg. 55202)
Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally-applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.

November 13, 1995
(61 Fed. Reg. 56952)
Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

December 11, 1995
(61 Fed. Reg. 63417)
Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

The Board did not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period of July 1, 1995, through December 31, 1995. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995, in the prior RCRA Subtitle C update docket, R95-20, adopted June 20, 1996. No further action is required of the Board on those matters. Further, the Board will need to take no further action than to note the federal actions of August 14 and

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October 23 and 30, 1995. The Board is taking action on the federal actions of July 11 and December 11, 1995 in this consolidated docket.

In addition to the direct revisions to the RCRA Subtitle C regulations during the time period of docket R96-10, USEPA amended the federal water pollution control regulations three times during the period July 1, 1995, through December 31, 1995, in a way that could affect the Illinois RCRA Subtitle C rules. These federal actions revised analytical methods of 40 CFR 136, as follows:

Federal Action

August 2, 1995
(61 Fed. Reg. 39586)
USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.
August 28, 1995
(61 Fed. Reg. 44670)
USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater.
October 16, 1995
(61 Fed. Reg. 53529)
USEPA added whole effluent toxicity testing to the approved methods.

The methods codified in 40 CFR 136 are incorporated by reference at Section 720.111 of the Illinois RCRA Subtitle C rules for the purposes of the hazardous waste and underground injection control regulations. The Board updated the incorporations by updating to the 1996 edition of the Code of Federal Regulations.

Docket R97-5: January 1, 1996, through June 30, 1996, RCRA Subtitle C Amendments

Federal Action

February 9, 1996
(61 Fed. Reg. 4903)
Summary
Technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994, Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
(61 Fed. Reg. 10684)
Relating to federal authorization of Illinois program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and "RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990, and November 22, 1993.

March 26, 1996
(61 Fed. Reg. 13103)
Correction to exclusion for recovered oil re-injected into refining process. USEPA corrected an error in its July 28, 1994, exclusion of recovered oil

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from the definition of solid waste. Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of waste exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

April 8, 1996
(61 Fed. Reg. 15662)

Phase I LDR partial withdrawal and amendment. USEPA withdrew those segments of the treatment standards and amendments accompanying the Phase III LDRs that derived from the decision in Chemical Waste Management, Inc. v. EPA, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994, Phase II LDRs that were also overruled by Pub. L. 104-119.

April 12, 1996
(61 Fed. Reg. 16309)

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

April 30, 1996
(61 Fed. Reg. 19117)

Phase III LDR corrections (two separate actions). In each action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules.

June 5, 1996
(61 Fed. Reg. 28508)

Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994, Subpart CC organic material emissions requirements until October 6, 1996.

June 28, 1996
(61 Fed. Reg. 33680)

Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996, Phase III LDRs and partial withdrawal.

June 28, 1996
(61 Fed. Reg. 33691)

Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992, used oil mixtures rule in response to a January 19, 1996, vacatur in Safety-Kleen Corp. v. EPA, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its

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- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney, Pollution Control Board
100 W. Randolph, 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of November 6, 1997 from Victoria Ayzenman, at the above address, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 722

STANDARDS APPLICABLE TO
GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section
722.110 Purpose, Scope and Applicability
722.111 Hazardous Waste Determination
722.112 USEPA Identification Numbers

SUBPART B: THE MANIFEST

Section
722.120 General Requirements
722.121 Acquisition of Manifests
722.122 Number of Copies
722.123 Use of the Manifest

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section
722.130 Packaging
722.131 Labeling
722.132 Marking
722.133 Placarding
722.134 Accumulation Time

SUBPART D: RECORDKEEPING AND REPORTING

Section
722.140 Recordkeeping
722.141 Annual Reporting
722.142 Exception Reporting
722.143 Additional Reporting
722.144 Special Requirements for Generators of between 100 and 1000 kilograms per month

SUBPART E: EXPORTS OF HAZARDOUS WASTE

Section
722.150 Applicability
722.151 Definitions

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SUBPART F: IMPORTS OF HAZARDOUS WASTE	
722.152	General Requirements
722.153	Notification of Intent to Export
722.154	Special Manifest Requirements
722.155	Exception Report
722.156	Annual Report
722.157	Recordkeeping
722.158	International Agreements

SUBPART G: FARMERS

Imports of Hazardous Waste

SUBPART H: TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD

FARMERS

Section

722.170

FARMERS

Section

722.180

FARMERS

Section

722.181

FARMERS

Section

722.182

FARMERS

Section

722.183

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FARMERS

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SUBPART A: GENERAL	
November 13, 1989;	amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990;
amended in R90-11 at 15 Ill. Reg. 9644,	effective June 17, 1991;
amended in R91-1 at 15 Ill. Reg. 14562,	effective October 1, 1991;
amended in R91-13 at 16 Ill. Reg. 9833,	effective June 9, 1992;
amended in R92-1 at 16 Ill. Reg. 17696,	effective November 6, 1992;
amended in R93-4 at 17 Ill. Reg. 20822,	effective November 22, 1993;
amended in R95-6 at 19 Ill. Reg. 9935,	effective June 27, 1995;
amended in R95-20 at 20 Ill. Reg. 11236,	effective August 1, 1996;
amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 11236,	effective August 1, 1996;

SUBPART A: GENERAL

Section 722.110 Purpose, Scope and Applicability

- These regulations establish standards for generators of hazardous waste.
- 35 Ill. Adm. Code 721.105(c) and (d) must be used to determine the applicability of provisions of this Part that are dependent on the quantity of the quantity of hazardous waste generated per month.
- generator that who treats, stores or disposes of hazardous waste on-site must only comply with the following Sections of this Part with respect to that waste: Section 722.111 for determining whether or not the generator has a hazardous waste, Section 722.112 for obtaining an USEPA BPA identification number, Section 722.140(c) and (d) for recordkeeping, Section 722.143 for additional reporting and, if applicable, Section 722.170 for farmers.
- Any person that exports or who imports hazardous waste subject to the hazardous waste manifesting requirements of this Part or subject to the universal waste management standards of 35 Ill. Adm. Code 733 to of from countries listed in Section 722.158(a)(1) for recovery into the United-States must comply with Subpart H of this Part the standards-applicable-to-generators-established-in-this-Part.
- A farmer that who generates waste pesticides which are hazardous waste and that who complies with all of the requirements of Section 722.170 is not required to comply with other standards in this Part, or 35 Ill. Adm. Code 702, 703, 724, 725 or 728 with respect to such pesticides.
- A person that who generates a hazardous waste as defined by 35 Ill. Adm. Code 721 is subject to the compliance requirements and penalties prescribed in Title VIII and XII of the Environmental Protection Act if he does not comply with the requirements of this Part.
- An owner or operator that who initiates a shipment of hazardous waste from a treatment, storage or disposal facility must comply with the generator standards established in this Part.

BOARD NOTE: The provisions of Section 722.134 are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of Section 722.134 only apply to owners or operators, that who are shipping hazardous waste which they generated at that

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 13932, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective

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facility. A generator that who treats, stores or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in 35 Ill. Adm. Code 702, 703, 724, 725, 726 and 728.

(Source: Amended at 22 Ill. Reg. 617.3-2, effective 10/1/80)

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section 722.134 Accumulation Time

a) Except as provided in subsections (d), (e), or (f) of this Section, a generator is exempt from all the requirements in 35 Ill. Adm. Code 725-Subparts G and H, except for 35 Ill. Adm. Code 725-211 and 725-214, and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status; provided that:

- 1) The waste is placed:
 - A) In containers and the generator complies with 35 Ill. Adm. Code 725-Subpart I Subparts i-AV-BB-end-ee; or
 - B) In tanks and the generator complies with 35 Ill. Adm. Code 725-Subpart Subparts J, except 35 Ill. Adm. Code 725-297(c) and 725-300-7-AV-BB-end-ee; or
- C) On drip pads and the generator complies with 35 Ill. Adm. Code 725-Subpart W and maintains the following records at the facility:
 - i) A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days, and
 - ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; or
- D) In containment buildings and the generator complies with 35 Ill. Adm. Code 725-Subpart DD (has placed its Professional Engineer (PE) certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725-1101 in the facility's operating record prior to the date of initial operation of the unit). The owner or operator shall maintain the following records at the facility:
 - i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit, and documentation that the procedures are complied

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- with: or
- ii) Documentation that the unit is emptied at least once every 90 days; or
- BOARD NOTE: The "in addition" hanging subsection that appears in the Federal rules after 40 CFR 262.34(a)(1)(iv)(B) is in the introduction to subsection (a) of this Section above.
- 2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
 - 3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"; and
 - 4) The generator complies with the requirements for treatment, storage, and disposal facility owners or operators in 35 Ill. Adm. Code 725-Subparts C and D and with 35 Ill. Adm. Code 725.116 and 728.107(a)(4).
- b) A generator that accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703 and 705 unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Section 37 of the Environmental Protection Act and 35 Ill. Adm. Code 180 (agency procedural regulations).
- c) Accumulation near the point of generation.
- 1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in containers at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste without a permit or interim status and without complying with subsection (a) of this Section above, provided the generator:
 - A) Complies with 35 Ill. Adm. Code 725-271, 725-272 and 725-273(a), and
 - B) marks the generator's containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.
 - 2) A generator that accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in excess of the amounts listed in subsection (c) (1) of this Section above at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a) of this Section above or other applicable provisions of this Chapter. During the three day period the generator must continue to comply with subsection (c) (1) of this Section above. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began

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accumulating.

- d) A generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may permit hazardous waste on-site for 180 days or less without a permit or without having interim status provided that:
- 1) The quantity of waste accumulated on-site never exceeds 6000 kilograms;
 - 2) The generator complies with the requirements of 35 Ill. Adm. Code 725.301 (except 35 Ill. Adm. Code 725.276 and 725.278);
 - 3) The generator complies with the requirements of 35 Ill. Adm. Code 725.301;
 - 4) The generator complies with the requirements of subsections (a)(2) and (c)(3) of this Section above, 35 Ill. Adm. Code 725.301, and 35 Ill. Adm. Code 728.107(a)(4); and
 - 5) The generator complies with the following requirements:

A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d)(5)(D) of this Section below. The employee is the emergency coordinator.

B) The generator shall post the following information next to the telephones:

- i) The name and telephone number of the emergency coordinator;
- ii) Location of fire extinguishers and spill control material and, if present, fire alarm; and
- iii) The telephone number of the fire department, unless the facility has a direct alarm.

C) The generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.⁷

D) The emergency coordinator or designee shall respond to any emergencies that arise. The applicable responses are as follows:

- i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
- ii) In the event of a spill, contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;
- iii) In the event of a fire, explosion, or other release that could threaten human health outside the facility, or when the generator has knowledge that a spill has reached surface water, the generator shall immediately notify the National Response Center (using its 24-hour toll free number 800-424-8802). The report must

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include the following information: the name, address, and U.S. EPA USEPA identification number (Section 722.112 of this Part 35-III-Adm-Code-722-112) of the generator; the date, time, and type of incident (e.g., spill or fire); the quantity and type of hazardous waste involved in the incident; the extent of injuries, if any; and the estimated quantity and disposition of recoverable materials, if any.

e) A generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and that transport the waste or offer the waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status, provided that the generator complies with the requirements of subsection (d) of this Section above.

f) A generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and that accumulates hazardous waste in quantities exceeding 6000 kg accumulates hazardous waste for more than 180 days or for more than 270 days if the generator must transport the waste or offer the waste for transportation over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 703 unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of variance or provisional variance pursuant to Section 37 of the Environmental Protection Act.

(Source: Amended at 22 Ill. Reg. 69-2, effective 1-1-1991)

SUBPART E: EXPORTS OF HAZARDOUS WASTE

Section 722.153 Notification of Intent to Export

- a) The Board incorporates by reference 40 CFR 262.53 (1994-1995) as amended at 56-Fed-Reg-43705--September-4-1991. This part incorporates no future editions or amendments.
- b) A primary exporter of hazardous waste shall notify USEPA in accordance with 40 CFR 262.53 (1995).
- c) The primary exporter shall send the Agency a copy of each notice sent to USEPA pursuant to subsection (b) of this Section above.
- (Source: Amended at 22 Ill. Reg. 69-2, effective 1-1-1991)

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Section 722.156 Annual Reports

- a) The Board incorporates by reference 40 CFR 262.56 (1996) 9917-1 as amended at 56 Fed. Reg. 43705, September 14, 1991. This Part incorporates no future editions or amendments.
- b) Primary exporters of hazardous waste shall file with USEPA, no later than March 1 of each year, a report as specified in 40 CFR 262.56 (1996).
- c) The primary exporter shall send the Agency a copy of each report sent to USEPA.

(Source: Amended at 22 Ill. Reg. (), effective DEC 1 1993)

Section 722.158 International Agreements

- a) Any person that exports or imports hazardous waste subject to either the manifest requirements of this Part or the universal waste management standards of 35 Ill. Adm. Code 733 which is shipped to or from designated member countries of the Organization for Economic Cooperation and Development (OECD), as defined in subsection (a)(1) of this Section, for purposes of recovery is subject to the requirements of 722 Subpart H of this Part. The requirements of Subparts E and F of this Part do not apply where 722 Subpart H applies.

1) For the purposes of this Subpart, the designated OECD countries are Australia, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.

2) Only for the purposes of transit under this Subpart, Canada and Mexico are considered OECD member countries.

- b) Any person that exports hazardous waste to or imports hazardous waste from any designated OECD member country for purposes other than recovery (e.g., incineration, disposal), Mexico (for any purpose), or Canada (for any purpose) remains subject to the requirements of Subparts E and F of this Part.

(Source: Added at 22 Ill. Reg. (), effective DEC 1 1993)

SUBPART H: TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD

Section 722.180 Applicability

- a) The requirements of this Subpart apply to imports and exports of

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wastes that are considered hazardous under U.S. national procedures and which are destined for recovery operations in any of the countries listed in Section 722.158(a)(1). A waste is considered hazardous under U.S. national procedures if it meets the definition of hazardous waste in 35 Ill. Adm. Code 721.103 and it is subject to either the manifesting requirements in Subpart B of this Part or the universal waste management standards of 35 Ill. Adm. Code 733.

- b) Any person (notifier, consignee, or recovery facility operator) that mixes two or more wastes (including hazardous and non-hazardous wastes) or otherwise subjects two or more wastes (including hazardous and non-hazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under this Subchapter and any notifier duties under this Subpart, as applicable.

(Source: Added at 22 Ill. Reg. (), effective DEC 1 1993)

Section 722.181 Definitions

The following definitions apply to this Subpart:

"Competent authorities" means the regulatory authorities of concerned countries having jurisdiction over transfrontier movements of wastes destined for recovery operations.

"Concerned countries" means the exporting and importing OECD member countries and any OECD member countries of transit.

"Consignee" means the person to whom possession or other form of legal control of the waste is assigned at the time the waste is received in the importing country.

"Country of transit" means any designated OECD country in Section 722.158(a)(1) and (a)(2) other than the exporting or importing country across which a transfrontier movement of wastes is planned or takes place.

"Exporting country" means any designated OECD member country in Section 722.158(a)(1) from which a transfrontier movement of wastes is planned or has commenced.

"Importing country" means any designated OECD country in Section 722.158(a)(1) to which a transfrontier movement of wastes is planned or takes place for the purpose of submitting the wastes to recovery operations therein.

"Notifier" means the person under the jurisdiction of the exporting

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country that has, or will have at the time the planned transfrontier movement commences, possession or other forms of legal control of the wastes and that proposes their transfrontier movement for the ultimate purpose of submitting them to recovery operations. When the United States (U.S.) is the exporting country, notifier is interpreted to mean a person domiciled in the U.S.

"OECD area" means all land or marine areas under the national jurisdiction of any designated OECD member country. In Section 722.189, when the regulations refer to shipments to or from an OECD country, this means OECD area.

"Recognized trader" means a person that, with appropriate authorization of concerned countries, acts in the role of principal to purchase and subsequently sell wastes; this person has legal control of such wastes from time of purchase to time of sale; such a person may act to arrange and facilitate transfrontier movements of wastes destined for recovery operations.

"Recovery facility" means an entity which, under applicable domestic law, is operating or is authorized to operate in the importing country to receive wastes and to perform recovery operations on them.

"Recovery operations" means activities leading to resource recovery, recycling, reclamation, direct re-use, or alternative uses, as listed in Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988, incorporated by reference in 35 Ill. Adm. Code 720.111, which include the following activities:

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy.
- R2 Solvent reclamation or regeneration.
- R3 Recycling or reclamation of organic substances which are not used as solvents.
- R4 Recycling or reclamation of metals and metal compounds.
- R5 Recycling or reclamation of other inorganic materials.
- R6 Regeneration of acids or bases.
- R7 Recovery of components used for pollution control.
- R8 Recovery of components from catalysts.
- R9 Used oil re-refining or other reuses of previously used oil.

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R10 Land treatment resulting in benefit to agriculture or ecological improvement.

R11 Uses of residual materials obtained from any of the operations numbered R1 through R10.

R12 Exchange of wastes for submission to any of the operations numbered R1 through R11, and

R13 Accumulation of material intended for any operation in Table 2.B.

"Transfrontier movement" means any shipment of wastes destined for recovery operations from an area under the national jurisdiction of one OECD member country to an area under the national jurisdiction of another OECD member country.

(Source: Added at 22 Ill. Reg. 602.1, effective 6-1-88)

Section 722.182 General Conditions

a) Scope. The level of control for exports and imports of waste is indicated by assignment of the waste to a green, amber, or red list and by U.S. national procedures, as defined in Section 722.180(a). The green, amber, and red lists are incorporated by reference in 35 Ill. Adm. Code 720.111(b).

1) Wastes on the green list are subject to existing controls normally applied to commercial transactions, except as provided below:

- A) Green-list wastes that are considered hazardous under U.S. national procedures are subject to amber-list controls.
 - B) Green-list wastes that are sufficiently contaminated or mixed with amber-list wastes, such that the waste or waste mixture is considered hazardous under U.S. national procedures, are subject to amber-list controls.
 - C) Green-list wastes that are sufficiently contaminated or mixed with other wastes subject to amber-list controls such that U.S. national waste mixture is considered hazardous under U.S. national procedures must be handled in accordance with the red-list controls.
- 2) Wastes on the amber list that are considered hazardous under U.S. national procedures, as defined in Section 722.180(a), are subject to the amber-list controls of this Subpart. If amber-list wastes are sufficiently contaminated or mixed with other wastes subject to red-list controls, such that the waste or waste mixture is considered hazardous under U.S. national procedures, the wastes must be handled in accordance with the red-list controls.

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red-list controls.

3) Wastes on the red list that are considered hazardous under U.S. national procedures, as defined in Section 722.180(a), are subject to the red-list controls of this Subpart.

BOARD NOTE: Some wastes on the amber or red lists are not listed or otherwise identified as hazardous under RCRA (e.g., polychlorinated biphenyls) and therefore are not subject to the amber- or red-list controls of this Subpart. Regardless of the status of the waste under RCRA, however, other federal environmental statutes (e.g., the Toxic Substances Control Act) may restrict certain waste imports or exports. Such restrictions continue to apply without regard to this Subpart. Wastes not yet assigned to a list are eligible for transfrontier movements, as follows:

A) If such wastes are considered hazardous under U.S. national procedures, as defined in Section 722.180(a), these wastes are subject to the red-list controls; or

B) If such wastes are not considered hazardous under U.S. national procedures as defined in Section 722.180(a), such wastes may move as though they appeared on the green list, when conditions applicable to transfrontier movements of hazardous wastes.

b) General conditions applicable to transfrontier movements of hazardous wastes.

1) The waste must be destined for recovery operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the importing country;

2) The transfrontier movement must be in compliance with applicable international transport agreements; and

BOARD NOTE: These international agreements include, but are not limited to, the Chicago Convention (1944), ADR (1957), ADN (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).

3) Any transit of waste through a non-OECD member country must be conducted in compliance with all applicable international and national laws and regulations.

c) Provisions relating to re-export for recovery to a third country.

1) Re-export of wastes subject to the amber-list control system from the U.S., as the importing country, to a third country listed in Section 722.158(a)(1) may occur only after a notifier in the U.S. provides notification to and obtains consent of the competent authorities in the third country, the original exporting country, and new transit countries. The notification must comply with the notice and consent procedures in Section 722.183 for all concerned countries and the original exporting country. The competent authorities of the original exporting country, as well as the competent authorities of all other concerned countries, have 30 days to object to the proposed movement.

A) The 30-day period begins once the competent authorities of

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both the initial exporting country and new importing country issue Acknowledgments of Receipt of the notification.

B) The transfrontier movement may commence if no objection has been lodged after the 30-day period has passed or immediately after written consent is received from all relevant exporting and transit countries.

2) Re-export of waste subject to the red-list control system from the original importing country to a third country listed in Section 722.158(a)(1) may occur only after a notification of the competent authorities of the third country, the original exporting country, and new transit countries by a notifier in the original importing country in accordance with Section 722.183. The transfrontier movement must be consistent with receipt by the original importing country of written consent from the competent authorities of the third country, the original exporting country, and new transit countries.

3) In the case of re-export of amber- or red-list wastes to a country other than those in Section 722.158(a)(1), notification to and consent of the competent authorities of the original OECD member country of export and any OECD member countries of transit is required as specified in subsections (c)(1) and (c)(2) of this Section in addition to compliance with all international agreements and arrangements to which the first importing OECD member country is a party and all applicable regulatory requirements for exports from the first importing country.

(Source: Added at 22 Ill. Reg. 600, effective

DEC 1, 1985)

Section 722.183 Notification and Consent

a) Applicability. Consent must be obtained from the competent authorities of the relevant OECD importing and transit countries prior to exporting hazardous waste destined for recovery operations subject to this Subpart. Hazardous wastes subject to amber-list controls are subject to the requirements of subsection (b) of this Section; hazardous wastes subject to red-list controls are subject to the requirements of subsection (c) of this Section; and wastes not identified on any list are subject to the requirements of subsection (d) of this Section.

b) Amber-list wastes. The export from the U.S. of hazardous wastes, as described in Section 722.180(a), that appear on the amber list is prohibited unless the notification and consent requirements of subsection (b)(1) or subsection (b)(2) of this Section are met.

1) Transactions requiring specific consent:

A) Notification. At least 45 days prior to commencement of the transfrontier movement, the notifier must provide written

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notification in English of the proposed transfrontier movement to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement and Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield, IL 62794-9276, with the words "Attention: OECD Export Notification" prominently displayed on the envelope. This notification must include all of the information identified in subsection (e) of this Section. In cases where wastes having similar physical and chemical characteristics, the same United Nations classification, and the same RCRA waste codes are to be sent periodically to the same recovery facility by the same notifier, the notifier may submit one notification of intent to export these wastes in multiple shipments during a period of up to one year.

- B) Tacit consent. If no objection has been lodged by any concerned country (i.e., exporting, importing, or transit countries) to a notification provided pursuant to subsection (b)(1)(b) of this Section within 30 days after the date of issuance of the Acknowledgment of Receipt of notification by the competent authority of the importing country, the transfrontier movement may commence. Tacit consent expires 30 days after the date of the Acknowledgment of Receipt of the notification, and the renewal of all consents is required for exports after that date.
- C) Written consent. If the competent authorities of all the relevant OECD importing and transit countries provide written consent in a period less than 30 days, the transfrontier movement may commence immediately after all necessary consents are received. Written consent expires for each relevant OECD importing and transit country one calendar year after the date of that country's consent unless otherwise specified; renegotiation and renewal of consent is required for exports after that date.

- 2) Shipments to facilities pre-approved by the competent authorities of the importing countries to accept specific wastes for recovery:

A) The notifier must provide USEPA and the Agency the information identified in subsection (e) of this Section in English, at least 10 days in advance of commencing shipment to a pre-approved facility. The notification should indicate that the recovery facility is pre-approved, and may apply to a single specific shipment or to multiple shipments as described in subsection (b)(1)(A) of this

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Section. This information must be sent to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement and Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield, IL 62794-9276, with the words "OECD Export Notification—Pre-approved Facility" prominently displayed on the envelope.

- B) Shipments may commence after the notification required in subsection (b)(1)(A) of this Section has been received by the competent authorities of all concerned countries, unless the notifier has received information indicating that the competent authorities of one or more concerned countries object to the shipment.

- C) Red-list wastes. The export from the U.S. of hazardous wastes, as described in Section 722.180(a), that appear on the red list is prohibited unless notice is given pursuant to subsection (b)(1)(A) of this Section and the notifier receives written consent from the importing country and any transit countries prior to commencement of the transfrontier movement.

- D) Unlisted wastes. Wastes not assigned to the green, amber, or red list that are considered under U.S. national procedures, as defined in Section 722.180(a), are subject to the notification and consent requirements established for red-list wastes in accordance with subsection (c) of this Section. Unlisted wastes that are not considered hazardous under U.S. national procedures, as defined in Section 722.180(a), are not subject to amber or red controls when exported or imported.

- E) Notification information. Notifications submitted under this Section must include:

- 1) Serial number or other accepted identifier of the notification form;
- 2) Notifier name and USEPA identification number (if applicable), address, and telephone and telefax numbers;
- 3) Importing recovery facility name, address, telephone and telefax numbers, and technologies employed;
- 4) Consignee name (if not the owner or operator of the recovery facility), address, and telephone and telefax numbers; whether the consignee will engage in waste exchange or storage prior to delivering the waste to the final recovery facility; and identification of recovery operations to be employed at the final recovery facility;
- 5) Intended transporters or their agents;
- 6) Country of export and relevant competent authority and point of departure;
- 7) Countries of transit and relevant competent authorities and points of entry and departure.

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- 1) County of import and relevant competent authority and point of entry;
- 2) Statement of whether the notification is a single notification or a general notification. If general, include period of validity requested;
- 3) Date for release for commencement of transfrontier movement;
- 4) Description of waste type(s) from the appropriate list (amber, red and waste list code), descriptions of each waste type, estimated total quantity of each, RCRA waste code, and United Nations number for each waste type; and
- 5) Certification declaration signed by the notifier that states as follows:

"I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable or other contractual obligations have been entered into, and that any applicable insurance or other financial guarantees are or shall be in force covering the transfrontier movement."

Name: _____

Signature: _____

Date: _____

BOARD NOTE: The U.S. does not currently require financial assurance; however, U.S. exporters may be asked by other governments to provide and certify to such assurance as a condition of obtaining consent to a proposed movement.

(Source: Added at 22 Ill. Reg. 617.3 - 2 effective 10/1/97.)

Section 722.184 Tracking Document

- a) All U.S. parties subject to the contractual provisions of Section 722.184 must ensure that a tracking document meeting the conditions of subsection (b) of this section accompanies each transfrontier shipment of wastes subject to ambient level or red list controls from the initiation of the shipment until it reaches the final recovery facility, including cases in which the waste is stored or reexported by the consignor prior to shipment to the final recovery facility, except as provided in Section 26.135(c)(1) and (c)(2).
- 1) For shipments of hazardous waste within the U.S. solely by water (bulk shipment only), the consignor must forward the tracking document to the final recovery facility and the waste (bulk shipment) must be handled in accordance with the U.S. regulations for solid waste in accordance with the manifest routing procedures at Section 722.17(c)(2).

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- 2) For rail shipments of hazardous waste within the U.S. which originate at the site of generation, the generator must forward the tracking document with the manifest (in accordance with the routing procedures for the manifest in Section 722.17(d)) to the next non-rail transporter, if any, or the last rail transporter to handle the waste in the U.S. if exported by rail.
- b) The tracking document must include all information required under Section 722.181 (for notification) and the following:
- 1) The date shipment commenced;
 - 2) The name (if not tier 1), address, and telephone and telefax numbers of primary exporter;
 - 3) The company name and USRA identification number of all transporters;
 - 4) Identification (license, registered name or registration number) of means of transport, including types of packaging;
 - 5) Any special precautions to be taken by transporters;
 - 6) A certification or declaration signed by notifier that no objection to the shipment has been lodged as follows:

"I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable or other contractual obligations have been entered into, that any applicable insurance or other financial guarantees are or shall be in force covering the transfrontier movement, and that:"

- "1. All necessary consents have been received;" OR
- "2. The shipment is directed at a recovery facility within the ORCA area and no objection has been received from any of the concerned countries within the 30 day tacit consent period;" OR

"1. The shipment is directed at a recovery facility pre-authorized for that type of waste within the ORCA area, such an authorization has not been revoked, and no objection has been received from any of the concerned countries;"

(delete sentences that are not applicable)

Name: _____

Signature: _____

Date: _____

"; and

- 7) The appropriate signatures for each custody transfer (e.g., transporter, consignor, and owner or operator of the recovery facility);
- c) Notifier must comply with the special manifest requirements of Section 722.154(b), (b), (c), (e), and (f) and consignees must comply with the import requirements of Subpart P of this Part;
- d) Each U.S. person that has physical custody of the waste from the time

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the movement commences until it arrives at the recovery facility must sign the tracking document (e.g., transporter, consignee, and owner of originator of the recovery facility).

e) Within three working days after the receipt of imports subject to this Subpart, the owner or operator of the U.S. recovery facility must send signed copies of the tracking document to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, and to the competent authorities of the exporting and transit countries.

(Source: Added at 22 Ill. Reg. 6.030, effective DEC 1, 1991)

Section 722.185 Contracts

a) Transfrontier movements of hazardous wastes subject to amber or red control procedures are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Such contracts or equivalent arrangements must be executed by the notifier and the owner or operator of the recovery facility, and must specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this Section only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangement.

b) Contract arrangements must specify the following names and USPPA identification numbers, where available:

- 1) The generator of each type of waste;
 - 2) Each person that will have physical custody of the wastes; and
 - 3) The recovery facility.
- c) Contracts or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the wastes if its disposition cannot be carried out as described in the notification of intent to export. In such cases, contracts must specify the following:

- 1) That the person having actual possession or physical control over the wastes will immediately inform the notifier and the competent authorities of the exporting and importing countries and, if the wastes are located in a country of transit, the competent authorities of that country; and
- 2) That the person specified in the contract will assume responsibility for the adequate management of the wastes in compliance with applicable laws and regulations including, if

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necessary, arranging their return to the original country of export.

d) Contracts must specify that the consignee will provide the notification required in Section 722.182(C) prior to re-export of controlled wastes to a third country.

e) Contracts or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any international law requirements.

BOARD NOTE: Financial guarantees so required are intended to provide for alternative recycling, disposal, or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The U.S. does not require such financial guarantees at this time; however, some OECD countries do. It is the responsibility of the notifier to ascertain and comply with such requirements; in some cases, transporters or consignees may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

f) Contracts or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this Subpart.

g) Upon request by USEPA or the Agency, U.S. notifiers, consignees, or recovery facilities shall submit to USEPA and the Agency copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Information contained in the contracts or equivalent arrangements for which a claim of confidentiality is asserted in accordance with 35 Ill. Adm. Code 120 will be treated as confidential and will be disclosed by the Agency only as provided in 35 Ill. Adm. Code 120.

BOARD NOTE: Although the U.S. does not require routine submission of contracts at this time, OECD Council Decision C(92)39/FINAL allows members to impose such requirements. When other OECD countries require submission of partial or complete copies of the contract as a condition to granting consent to proposed movements, USEPA or the Agency will request the required information; absent submission of such information, some OECD countries may deny consent for the proposed movement.

(Source: Added at 22 Ill. Reg. 6.030, effective DEC 1, 1991)

Section 722.186 Provisions Relating to Recognized Traders

a) A recognized trader that takes physical custody of a waste and conducts recovery operations (including storage prior to recovery) is acting as the owner or operator of a recovery facility and must be so

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authorized in accordance with all applicable federal laws.

- b) A recognized trader acting as a notifier or consignee for
transfrontier shipments of waste must comply with all the notifier or
consignee requirements of this Subpart.

(Source: Added at 22	Ill.	Reg.	effective
1160			

Section 722.187 Reporting and Recordkeeping

- a) Annual reports. For all waste movements subject to this Subpart, persons (e.g., notifiers, recognized traders) that meet the definition of primary exporter in Section 722.51(a) shall file an annual report with the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), U.S. Environmental Protection Agency, 401 M St., SW, Washington, DC 20460 and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield, IL 62706-9276, no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. (If the primary exporter is required to file an annual report for waste exports that are not covered under this Subpart, the person filing may include all export information in one report provided the following information on exports of waste destined for recovery within the designated OECD member countries is contained in a separate Section). Such reports shall include the following information:

reports shall include the following information:

- 1) The USEPA identification number, name, and mailing and site address of the notifier filing the report;
- 2) The calendar year covered by the report;
- 3) The name and site address of each final recovery facility;
- 4) By final recovery facility, for each hazardous waste exported, a description of the hazardous waste, the USEPA hazardous waste number (from 35 Ill. Adm. Code 721.Subpart C or 721.Subpart D17, the designation of waste type(s) from the OECD waste list and applicable waste code from the OECD lists, DOT hazard class, the name and USEPA identification number (where applicable) for each transporter used, the total amount of hazardous waste shipped pursuant to this Subpart, and number of shipments pursuant to this Subpart;
- 5) In every notification, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kilograms (kg) but less than 1000 kg in a calendar month, and except for hazardous waste for which information was already provided pursuant to Section 722.141:
 - A) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and
 - B) A description of the changes in volume and toxicity of the

waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and

- 6) A certification signed by the person acting as primary exporter that states as follows:
"I certify under penalty of law that I have personally examined the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."
- b) Exception Reports. Any person that meets the definition of primary exporter in Section 722.151 shall file with USEPA and the Agency an exception report in lieu of the requirements of Section 722.142 if any of the following occurs:
 - 1) The person has not received a copy of the tracking documentation signed by the transporter stating point of departure of the waste from the United States within 45 days from the date it was accepted by the initial transporter;
 - 2) Within 90 days from the date the waste was accepted by the initial transporter, the notifier has not received written confirmation from the recovery facility that the hazardous waste was received; or
 - 3) The waste is returned to the United States.Recordkeeping.

- 1) Persons that meet the definition of primary exporter in Section 722.151 shall keep the following records:
 - A) A copy of each notification of intent to export and all written consents obtained from the competent authorities of concerned countries, for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;
 - B) A copy of each annual report, for a period of at least three years from the due date of the report; and
 - C) A copy of any exception reports and a copy of each confirmation of delivery (i.e., tracking documentation) sent by the recovery facility to the notifier, for at least three years from the date the hazardous waste was accepted by the initial transporter or received by the recovery facility, whichever is applicable.
- 2) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by USEPA or the Agency.

(Source: Added at 22 Ill. Reg. effective

COLLECTION (CONTINUED)

NOTICE OF ADOPTED AMENDMENTS

Section 722.189 OECD Waste List 1313

- a) General. For the purposes of this Subpart, "a waste" is considered hazardous under U.S. national procedures, and hence subject to this Subpart, if the waste:
 - 1) Meets the Federal definition of hazardous waste in 16 U.S.C., Admin. Code 721.103; and
 - 2) Is subject to either the hazardous waste manifesting requirement of Subpart B of this Part or the universal waste management requirements of Admin. Code 721.103.
- b) If a waste is listed as hazardous under Subpart A, it is subject to either the manifest or red-list requirements, as appropriate.
- c) If a waste is hazardous under subsection (a) of this Section and it does not appear on either the amber or red list, it is subject to the red-list requirements.
- d) The appropriate control procedures for hazardous wastes and hazardous waste mixtures are addressed in Section 722.192.
- e) The Order Green List of Wastes (revised May 1994), Amber List of Wastes (revised May 1994), and Red List of Wastes (revised May 1994), as set forth in Appendix C, are hereby incorporated by reference into the Control List, Executive Order 13100, 62 Fed. Reg. 8290 (February 1997). The Control List, Executive Order 13100, 62 Fed. Reg. 8290, (February 1997), Translocator Movement of a Waste destined for Recovery, Special use(s), incorporated by reference in 16 U.S.C., Admin. Code 722.111.

(Source: Added at 22	111.	Req.	effective
111.	111.	111.	111.

SCHEFFÉ OR ADJUSTED AMINIMENTS?

- 1) Issuance of the Policy, Standards for, Orders, and Operations of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 2) Code citation: 15 111, Adm. Code 724
- 3) Section numbers:

Adopted action:
Amended
724.112, 724.114, 724.171
Amended
724.279, 724.300, 724.312
Amended
724.414, 724.410, 724.431
Amended
724.434, 724.475, 724.490
Amended
724.495, 724.498, 724.464
Amended
724.900, 724.902, 724.903
Amended
724.904, 724.905, 724.906
Amended
724.907, 724.908, 724.909
Amended
724.930
Repealed
724.931
- 4) Statutory authority: 415 IAC 5-22.4 and 27.
- 5) Effective date of amendment: December 16, 1997
- 6) Does this rulemaking contain an automatic repeal clause? No
- 7) Do these amendments contain incorporations by reference? Yes. Is 111, Adm. Code 720.111 is the central listing of all documents incorporated by reference for the purposes of all of 15 111, Adm. Code 702 through 709, 720 through 726, 728, 730, 731, 739, and 749. The present amendments and 720 through 724, 724.902, 724.903, 724.904 through 724.906, and 724.909, contain a reference to an OGD method for handling hazardous waste and a listing of hazardous waste at Section 724.904. The amendments proposed and 724.902, 724.903, 724.904, 724.905, 724.906, and 724.909, are amendments to the existing rulemaking and amendments to the existing rulemaking. The amendments to 724.902, 724.903, 724.904 through 724.906, and 724.909, are amendments to the existing rulemaking and amendments to the existing rulemaking. The amendments to 724.902, 724.903, 724.904 through 724.906, and 724.909, are amendments to the existing rulemaking and amendments to the existing rulemaking.
- 8) Date Filed in Board's principal office: Order adopted November 6, 1997.
- 9) Notice of proposal published in Illinois Register: November 8, 1997, 21 111, Reg. 10/42

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

of Proposed Amendments in the *Illinois Register*. The Board has reviewed the JCAR revisions to the text and accepted nearly all of them. The revisions are outlined in the response to question (11) below.

- 11) **Differences between proposal and final version:** The Board has made a number of minor revisions to the text of the amendments as proposed. Most are in response to comments from JCAR. A small number of amendments based on comments from the Illinois Department of Environmental Protection Agency (Agency), many others are based on the Board's review of the text in response to the JCAR and Agency suggestions. As explained in the response to question (10) above, JCAR added the text if the proposed amendments between when the Board accepted them for public comment on July 24, 1997 and when they appeared in a Notice of Proposed Amendments in the August 8, 1997 issue of the *Illinois Register*. The table below indicates the revisions undertaken, the source(s) of each, and their location in the text. The table indicates the revisions to the text as approved by the Board on July 24, 1997, not necessarily reflecting its appearance in the August 8, 1997 *Illinois Register* as altered by JCAR. A second table indicates the JCAR revisions that the Board has not accepted. Those revisions appeared in the August 8, 1997 issue of the *Illinois Register*.

Revisions to the Text Since the Proposal for Public Comment

Section	Source	Revision(s)
724. Source Note	JCAR	Removed underlining of added text
724.112(a)(2)	JCAR	Removed period from abbreviation "SW"
724.113(a)(2)	Board	Changed "above" to "of this Section" in base text (twice)
724.113(a)(3)(B)	Board	Changed "below" to "of this Section" in base text
724.113(b)	Board	Changed "above" to "of this Section" in base text
724.113(b)(1)	Board	Changed "above" to "of this Section" in base text
724.113(b)(8)(B)	JCAR	Corrected spelling of "from"
724.113(c)	Board	Changed "above" to "of this Section" in base text
724.171(b)	Board	Changed "EPA" to "USEPA"
724.171(b)(2)	JCAR	Changed punctuation from a period to a semicolon
724.171(d)(1)	JCAR	Removed period from abbreviation "SW"
724.414(d)	JCAR	Changed punctuation from a semicolon to a colon
724.414(e)	Board	Changed "below" to "of this Section" in base text (twice)
724.414(e)(1)(B)	Board	Corrected spellings of "polyurethane" and "polyacrylate"
724.414(e)(2)(C)	JCAR	Corrected brackets to parentheses

POLLUTION CONTROL BOARD
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724.933(c)	Board	Changed "3" to "three" in base text
724.933(d)(2)	Board	Changed "below" to "of this Section" in base text
724.933(d)(3)	Board	Changed "below" to "of this Section" in base text
724.933(d)(4)(A)	Board	Changed "below" to "of this Section" in base text (twice)
724.933(d)(4)(B)	Board	Changed "below" to "of this Section" in base text
724.933(d)(4)(C)	Board	Changed "below" to "of this Section" in base text (twice)
724.933(d)(5)	Board	Changed "below" to "of this Section" in base text
724.933(e)(2)	Board	Changed "1,74E-7" to "1.74x10 ⁻⁷ "
724.933(e)(4)	Board	Corrected variable designation "V(max)" (in text and equation); added comma after "V(max)"
724.933(e)(5)	Board	Corrected variable designation "V(max)" (in text); added comma after "V(max)"; changed "below" to "of this Section" in base text
724.933(f)(2)(A)	Board	Changed "+3 percent" to "+4"
724.933(f)(2)(B)	Board	Changed "+3 percent" to "+4"
724.933(f)(2)(D)	Board	Changed "+3 percent" to "+4"
724.933(f)(2)(F)(ii)	Board	Changed "+3 percent" to "+4"
724.933(f)(3)	JCAR	Corrected to plural "subsections"
724.933(h)(1)	Board	Changed "20 percent" to "20%
724.933(k)	JCAR	Hyphenated "closed-vent"
724.933(l)(1)	Board	Changed "above" to "of this Section"
724.933(l)(1)(A)	Board	Changed "above" to "of this Section"
724.933(l)(1)(B)	Board	Changed "above" to "of this Section"
724.933(l)(1)(B)(i)	JCAR	Changed to lower-case "section"
724.933(l)(1)(B)(ii)	JCAR	Changed "below" to "of this Section"; changed "above" to "of this Section"
724.933(l)(1)(C)	Board	Changed "below" to "of this Section"
724.933(l)(2)	JCAR	Changed "below" to "of this Section"
724.933(l)(2)(C)	Board	Changed "below" to "of this Section"
724.933(l)(3)(A)	Board	Changed "below" to "of this Section"
724.933(o)	JCAR	Changed "above" to "of this Section"
724.934(c)(1)(E)	Board	Changed "above" to "of this Section"; corrected multiplication symbol to "x"
724.934(c)(1)(F)	JCAR	Changed "above" to "of this Section" (twice)
724.934(c)(3)(A)	JCAR	Changed "above" to "of this Section"
724.934(d)(2)	JCAR	Changed "this subsection" to "this subsection (d)(2)"
724.934(d)(2)(A)	JCAR	Changed punctuation from a period to a semicolon

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724.934(d)(2)(B)	JCAR	Corrected end comma to a semicolon
724.934(e)	Board	Added indefinite article "a" changed to singular "operation that manages"; changed "with" to "that have"
724.935(b)(4)(B)	Board	Restored comma to base text
724.935(b)(4)(C)	Board	Changed "below" to "of this Section" in base text
724.935(b)(4)(E)	Board	Changed "95 percent" to "95%
724.935(c)(4)(A)	Board, JCAR	Restored missing degree symbol "°" (twice)
724.935(c)(4)(B)	Board, JCAR	Restored missing degree symbol "°" changed "above" to "of this Section"
724.935(c)(4)(C)(i)	Board, JCAR	Restored missing degree symbol "°"; changed "above" to "of this Section" in base text
724.935(c)(4)(C)(ii)	JCAR	Changed "above" to "of this Section" in base text; changed "80 percent" to "80%"
724.935(c)(4)(D)(i)	Board, JCAR	Restored missing degree symbol "°"; changed "above" to "of this Section" in base text
724.935(c)(4)(D)(ii)	Board	Changed "above" to "of this Section" in base text
724.935(c)(4)(F)	Board, JCAR	Changed "above" to "of this Section" in base text; changed "20 percent" to "20%"
724.935(c)(4)(G)(i)	Board, JCAR	Restored missing degree symbol "°"; changed "above" to "of this Section" in base text
724.935(c)(4)(G)(ii)	Board, JCAR	Restored missing degree symbol "°"; changed "above" to "of this Section" in base text
724.935(c)(4)(H)	Board, JCAR	Changed "above" to "of this Section" in base text; changed "20 percent" to "20%"
724.935(c)(4)(I)	Board	Changed "above" to "of this Section" in base text
724.935(c)(5)	Board, JCAR	Changed "above" to "of this Section" in base text; deleted extra comma
724.935(d)	Board, JCAR	Changed "above" to "of this Section" in base text; deleted extra comma
724.950(b)	JCAR	Changed "10 percent" to "10%"
724.950(f)	JCAR	Deleted surplus "or"
724.955(a)	JCAR	Deleted surplus "or"
724.955(b)	JCAR	Added indefinite article "a" before word "waste"
724.955(c)	Board	Changed "above" to "of this Section"
724.958(e)	Board, JCAR	Changed "above" to "of this Section" Capitalized "For"
724.964(b)(2)	JCAR	

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724.964(g)(2)(B)	JCAR	Corrected to singular "Section" Changed "10 percent" to "10%," added comma to parenthetical after "group"
724.964(g)(6)	JCAR	Corrected to plural "Sections"
724.964(j)(1)	JCAR	Corrected to singular "Section"
724.964(k)(2)	JCAR	Changed "above" to "of this Section" (twice)
724.964(l)	JCAR	Changed "below" to "of this Section" in base text
724.980(a)	Board	Corrected to singular "section"
724.980(b)(5)	JCAR	Added "(b)(7)" to internal self-reference
724.980(b)(7)	JCAR	Added comma to parenthetical after "724.989(i)"
724.980(d)(1)	Board	Corrected spelling of word "structural"
724.980(d)(2)	Board	Changed "above" to "of this Section" in base text
724.980(d)(3)	Board	Changed "above" to "of this Section" in base text (twice)
724.982(b)	Board	Changed "below" to "of this Section" in base text
724.982(c)(2)(B)	Board	Changed "95 percent" to "95%"
724.982(c)(2)(C)	Board	Repositioned word "such;" Changed "shall" to "must"
724.982(c)(2)(D)(i)	JCAR	Changed "95 percent" to "95%" (twice)
724.982(c)(2)(F)	JCAR	Changed "95 percent" to "95%"
724.982(c)(2)(G)(i)	JCAR	Changed "724.Subpart H" to "35 Ill. Adm. Code 726.Subpart H" to cross-reference
724.982(c)(2)(H)(i)	Board, JCAR	Restored "35 Ill. Adm. Code 726" missing from the base text
724.982(c)(2)(H)(ii)	Board, JCAR	Restored deleted "H" to the base text
724.982(c)(2)(I)	Board	Changed "above" to "of this Section"
724.982(c)(3)	Board	Changed "above" to "of this Section"
724.982(d)(2)(A)	Board	Changed "below" to "of this Section"
724.982(d)(4)	Board	Changed "above" to "of this Section"
724.982(d)(5)(B)	Board, JCAR	Corrected cross-reference to "(d)(5)(C)"; changed "below" to "of this Section" in base text
724.984(b)(1)	Board	Changed "below" to "of this Section" (three times)
724.984(b)(1)(B)	Board	Changed "above" to "of this Section"
724.984(b)(2)	Board	Changed "below" to "of this Section"; changed "above" to "of this Section" (twice)
724.984(c)	Board	Changed "below" to "of this Section"
724.984(c)(1)	Board	Changed "below" to "of this Section"
724.984(c)(3)(A)(ii)	JCAR	Added definite article "the" before word "tank"

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724.984(f)(4)(B) Board Changed "below" to "of this Section"
 724.984(c)(4)(C) Board Changed "below" to "of this Section"
 724.984(d)(1) Board Changed "below" to "of this Section"
 724.984(d)(2) Board Changed "below" to "of this Section"
 724.984(d)(3) Board Changed "below" to "of this Section"
 724.984(d)(4) Board Changed "below" to "of this Section"
 724.984(d)(5) Board Changed "below" to "of this Section"
 724.984(e) Board Changed "above" to "of this Section"
 724.984(e)(1)(B)(ii) Board Changed "90 percent" to "90%"
 724.984(e)(1)(C)(iii) Board Added comma to parenthetical after "to:"
 724.984(e)(3)(A) Board Changed "10 percent" to "10%"
 724.984(e)(3)(B) Board Changed "below" to "of this Section"
 724.984(e)(3)(C) Board Changed "above" to "of this Section"
 724.984(e)(3)(D) Board Changed "above" to "of this Section"
 724.984(e)(3)(D)(i) Board Changed "below" to "of this Section"
 724.984(e)(3)(E) Board Changed "below" to "of this Section"
 724.984(f) Board Changed "below" to "of this Section"
 724.984(f)(1)(C)(v) Board Changed "90 percent" to "90%"
 724.984(f)(3)(A)(iii) Board Changed "above" to "of this Section"
 724.984(f)(3)(A)(iv) Board Changed "above" to "of this Section"
 724.984(f)(3)(A)(v) Board Changed "below" to "of this Section" (twice)
 724.984(f)(3)(B)(i) Board Added comma after word "to"
 724.984(f)(3)(B)(ii) Board Changed "below" to "of this Section"
 724.984(f)(3)(B)(iii) Board Changed "below" to "of this Section"
 724.984(f)(3)(C)(i) Board Changed "above" to "of this Section"
 724.984(f)(3)(C)(ii) Board Changed "below" to "of this Section"
 724.984(f)(3)(D)(ii) Board Changed "above" to "of this Section"
 724.984(f)(3)(D)(iv) Board Changed "above" to "of this Section"
 724.984(g) Board Changed "below" to "of this Section"
 724.984(g)(3)(A) Board Added comma after word "to"
 724.984(g)(3)(C) Board Changed "below" to "of this Section"
 724.984(g)(3)(D) Board Changed "below" to "of this Section"
 724.984(h) Board Changed "below" to "of this Section"
 724.984(i)(3) Board Changed "above" to "of this Section"
 724.984(j)(1) Board Changed "below" to "of this Section"
 724.984(j)(2) Board Changed "above" to "of this Section"
 724.984(k) Board Changed "below" to "of this Section"
 724.984(l) Board Restored omitted colon to the base text
 724.985(f) (deleted)
 724.985(b)(1) Board Changed "below" to "of this Section"
 724.985(b)(2) Board Changed "below" to "of this Section"
 724.985(c) Board Changed "above" to "of this Section"
 724.985(c)(1)(B)(ii) Board Changed "above" to "of this Section"
 724.985(c)(1)(D) Board Changed "below" to "of this Section"

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724.985(c)(1)(E) Board Changed "90 percent" to "90%"
 724.985(c)(3)(B) Board Changed "below" to "of this Section"
 724.985(c)(3)(C) Board Changed "below" to "of this Section"
 724.985(d) Board Changed "below" to "of this Section"
 724.985(d)(3)(C) Board Changed "below" to "of this Section"
 724.985(d)(3)(D) Board Changed "below" to "of this Section"
 724.985(e)(1) Board Changed "below" to "of this Section"
 724.985(e)(2) Board Changed "above" to "of this Section"
 724.985(f) Board Changed "below" to "of this Section"
 724.986(b)(1) Board Changed "below" to "of this Section"
 724.986(b)(1)(A) Board Changed "below" to "of this Section"
 724.986(b)(1)(B) Board Changed "below" to "of this Section"
 724.986(b)(2) Board Changed "below" to "of this Section"
 724.986(c)(1)(A) Board Changed "below" to "of this Section"
 724.986(c)(2) Board Changed "above" to "of this Section"
 724.986(c)(4)(A) Board Changed "below" to "of this Section"
 724.986(c)(4)(B) Board Changed "below" to "of this Section"
 724.986(d)(1)(A) Board Changed "below" to "of this Section"
 724.986(d)(1)(B) Board Changed "below" to "of this Section"
 724.986(d)(1)(C) Board Changed "below" to "of this Section"
 724.986(g)(2) Board, Changed "EPA" to "USEPA"; added "(d)(2)" to internal self-reference
 724.986(g)(3)(A) Board Changed "below" to "of this Section"
 724.986(g)(3)(B) Board Changed "below" to "of this Section"
 724.986(g)(1)(A) Board Changed "below" to "of this Section"
 724.986(g)(1)(B) Board Changed "below" to "of this Section"
 724.986(g)(1)(C) Board Changed "above" to "of this Section"
 724.986(g)(3) Board Corrected cross reference to "(c)(1)(A)"; changed "above" to "of this Section"; changed "DO" to "USDOP"
 724.986(g)(3) Board Changed "below" to "of this Section"
 724.986(g) Board Changed "above" to "of this Section"
 724.986(g)(1) Board Added comma to parenthetical after word "to"
 724.986(h) Board Changed "above" to "of this Section"
 724.987(b)(1) Board Changed "below" to "of this Section" in base text
 724.987(b)(3) Board Changed "below" to "of this Section" (twice); added hyphens to "spring-loaded" and "pressure-relief"
 724.987(b)(3)(A) Board Changed "subsection (b)(3) above" to "this subsection b)(3)"
 724.987(b)(3)(B) Board Changed "above" to "of this Section"
 724.987(c)(1)(A) Board Changed "95 percent" to "95%"
 724.987(c)(2) Board Changed "below" to "of this Section"

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724.987(c)(2)(A)	Board	Changed "above" to "of this Section"
724.987(c)(2)(B)	Board	Changed "above" to "of this Section"
724.987(c)(2)(C)	Board	Changed "above" to "of this Section"
724.987(c)(2)(D)	Board	Changed "above" to "of this Section" (twice)
724.987(c)(3)	Board	Changed "above" to "of this Section" in base text
724.987(c)(4)	Board	Changed "above" to "of this Section" in base text
724.987(c)(5)	Board	Changed "above" to "of this Section" in base text
724.987(c)(5)(A)	Board	Changed "below" to "of this Section" in base text
724.987(c)(5)(A)(v)	JCAR, Board	Changed "for which" to "that"
724.987(c)(5)(C)	Board	Changed "above" to "of this Section" in base text
724.987(c)(5)(D)	Board	Changed "above" to "of this Section" in base text
724.987(c)(5)(E)	Board	Changed "above" to "of this Section" in base text
724.987(c)(6)	Board	Changed "above" to "of this Section" in base text
724.987(c)(7)	JCAR	Changed "35 Ill. Adm. Code 724.933(f)(2) and 35 Ill. Adm. Code 724.933(l)" to "Section 724.933(f)(2) and (l)"; changed "35 Ill. Adm. Code 724.933(f)(2)" to "Section 724.933(f)(2)"
724.988(b)	Board	Changed "above" to "of this Section" in base text
724.988(a)	Board	Changed "below" to "of this Section" (three times)
724.988(b)(2)	Board	Changed "above" to "of this Section" in base text
724.988(b)(2)(D)(ii)	Board	Changed "below" to "of this Section" in base text
724.988(d)(2)	Board	Changed "below" to "of this Section" in base text
724.988(e)(1)(A)	Board	Changed "below" to "of this Section" in base text
724.988(e)(1)(E)	Board	Changed "above" to "of this Section" in base text
724.988(e)(1)(F)	Board	Changed "below" to "of this Section" in base text
724.988(f)(2)	JCAR	Corrected "Section 724.982(c)(2)(G) or Section 724.982(c)(2)(H)" to "Section 724.982(c)(2)(B)" to "Section 724.982(c)(2)(G) or (c)(2)(H)"
724.988(l)(2)	Board	Changed "above" to "of this Section" in base text (twice)
724.988(l)(3)	Board	Changed "above" to "of this Section" in base text (twice)
724.990(c)	Board, JCAR	Changed "U.S. EPA" to "USEPA;"
724.990(d)	Board	Restored missing words "both of the

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NOTICE OF ADOPTED AMENDMENTS

724.991 Source Note	Board	following conditions result:": changed "above" to "of this Section" in base text
	Board	Corrected note to indicate "Repealed"
		The table of suggested amendments that the Board declined to make is organized a bit differently from the above tables. The table also indicates the suggestion and its source in the middle column, and the Board's response appears in the right column.
		<u>Suggestions Not Accepted</u>
	Source: Suggestion	Board Response
724.112(a)(2)	JCAR: change "within three working days of" to "within three working days after"	Existing text follows the federal original and is clearly understandable; a deviation could create ambiguity
724.934(e)(2)	JCAR: restructure subsection (e)(2) and (e)(3) to appear as subsections (e)(2)(A) and (e)(2)(B), presented as alternatives	These two subsections are not alternative requirements in the federal original, rendering them as such would make the Illinois rules less stringent than the federal original
12)	Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IPA, it is not subject to first notice or to second notice provisions by the IPA. JCAR altered the text of the proposed amendments (11) above. JCAR approved them for public comment on August 7, 1997 and when they appeared in the Notice of Proposed Amendments in the August 29, 1997 issue of the Illinois Register. The Board has reviewed the JCAR revisions to the text, and accepted nearly all of them. The revisions are outlined in the response to question (11) above.	
13)	Will these amendments replace emergency amendments currently in effect?	No
14)	Are there any other amendments pending on this Part? Yes.	
	Section Numbers	Proposed Action
724.101	Amend	Illinois Register Citation
		November 21, 1997,
		21 Ill. Reg. 14779

The Board proposed regulations on November 6, 1997 under docket number

POLLUTION CONTROL BOARD

NOTICE OF ADVISED AMENDMENTS

15) **Summary and purpose of Amendments:** A more detailed description is contained in the Board's opinion and order of December 6, 1997 in consolidated docket #96-1007-0000, which opinion and order is available from the address below. Section 22.1 of the Environmental Protection Act provides that Section 5 of the Environmental Protection Act shall not apply, because this information is not subject to Section 5 of the IAD. It is not subject to Part 106 and (a) to second and (b) to review by RMA.

The RMA is processing updates the Board's RMA solid title hazardous waste rules to correspond with amendments adopted by US EPA that appeared in the Federal Register during the period July 1, 1995, through December 6, 1997. The RMA is processing updates the Board's RMA solid title hazardous waste rules to correspond with amendments adopted by US EPA that appeared in the Federal Register during the period July 1, 1995, through December 6, 1997. The RMA is processing updates the Board's RMA solid title hazardous waste rules to correspond with amendments adopted by US EPA that appeared in the Federal Register during the period January 1, 1996, through June 10, 1996. During those time frames, US EPA introduced a number of amendments, including those that have outside the normal docket time frames are included for various reasons.

Docket #96-1007-0000, through December 11, 1995, RMA solid title amendments:

July 7, 1995
(61 Fed. Reg. 54522)
Correcting to Subpart C, rules US EPA corrected the docket number in the Federal Register preamble of December 6, 1994.

July 11, 1995
(61 Fed. Reg. 55011)
Addition of test method for testing biodegradability of absorbent materials. US EPA added a test method for testing the biodegradability of absorbent materials for the purposes of the landfill disposal ban imposed on certain used liquid hazardous waste absorbed in such materials.

August 14, 1995
(61 Fed. Reg. 41011)
Notice of revision interpretation of certain rules. US EPA revised the interpretation of the exchange option to determine that waste from the off-site production of non-exchangeable information that are used exclusively to

POLLUTION CONTROL BOARD

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September 29, 1995
(61 Fed. Reg. 54265)
Correcting to Subpart C, rules US EPA corrected the docket number in the Federal Register preamble of December 6, 1994.

October 24, 1995
(61 Fed. Reg. 54111)
Correcting to Subpart C, rules US EPA corrected the docket number in the Federal Register preamble of December 6, 1994.

October 30, 1995
(61 Fed. Reg. 55207)
Correcting to Subpart C, rules US EPA corrected the docket number in the Federal Register preamble of December 6, 1994.

November 13, 1995
(61 Fed. Reg. 56952)
Correcting to Subpart C, rules US EPA corrected the docket number in the Federal Register preamble of December 6, 1994.

December 11, 1995
(61 Fed. Reg. 64173)
Correcting to Subpart C, rules US EPA corrected the docket number in the Federal Register preamble of December 6, 1994.

exchange production are not subject to the exchange rules. US EPA corrected the docket number in the Federal Register preamble of December 6, 1994.

October 24, 1995
(61 Fed. Reg. 54111)
Correcting to Subpart C, rules US EPA corrected the docket number in the Federal Register preamble of December 6, 1994.

November 13, 1995
(61 Fed. Reg. 56952)
Correcting to Subpart C, rules US EPA corrected the docket number in the Federal Register preamble of December 6, 1994.

December 11, 1995
(61 Fed. Reg. 64173)
Correcting to Subpart C, rules US EPA corrected the docket number in the Federal Register preamble of December 6, 1994.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The Board did not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period of July 1, 1995 through December 31, 1995. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995, in the prior RCRA Subtitle C update docket, R95-20, adopted June 20, 1996. No further action is required of the Board on those matters. Further, the Board will need to take no further action to note the federal actions of August 2, 1995 and October 23, 1995. Therefore, the Board is taking action on the federal actions of July 11 and December 11, 1995 in this consolidated docket.

In addition to the direct revisions to the RCRA Subtitle C regulations during the time period of docket R96-10, USEPA amended the federal water pollution control regulations three times during the period July 1, 1995 through December 31, 1995 in a way that could affect the Illinois RCRA Subtitle C rules. These federal actions revised analytical methods of 40 CFR 136 as follows:

Federal Action
 August 2, 1995
 (61 Fed. Reg. 39586)
 Summary
 USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.
 August 28, 1995
 (61 Fed. Reg. 44670)
 October 16, 1995
 (61 Fed. Reg. 53529)
 Summary
 USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater. USEPA added whole effluent toxicity testing to the approved methods.

The methods codified in 40 CFR 136 are incorporated by reference at Section 720.111 of the Illinois RCRA Subtitle C rules for the purposes of the hazardous waste and underground injection control regulations. The Board updated the incorporations by updating to the 1996 edition of the Code of Federal Regulations.

Docket R97-5: January 1, 1996, through June 30, 1996, RCRA Subtitle C Amendments

Federal Action
 February 9, 1996
 (61 Fed. Reg. 4903)
 Summary
 Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994 Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
 (61 Fed. Reg. 10684)
 Relating to federal authorization of Illinois program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and RCRA Clusters I-III" rules--i.e.,

POLLUTION CONTROL BOARD

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rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.

Consistent with the action for R96-11, the Board corrected an error in the July 28, 1994, exclusion of an erroneous listing of USEPA excluded solid waste from the definition of solid waste.

Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in *Chemical Waste Management, Inc. v. EPA*, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994, Phase III LDRs that were also overruled by Pub. L. 104-119.

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate the definition of "green" (greenhouse gas emitting) that are subject to the regulated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

Phase III LDR corrections (two separate actions). In each action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules. Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994, Subpart CC organic material

March 26, 1996
 (61 Fed. Reg. 13103)

April 8, 1996
 (61 Fed. Reg. 15596)

April 8, 1996
 (61 Fed. Reg. 15662)

April 12, 1996
 (61 Fed. Reg. 16309)

April 30, 1996
 (61 Fed. Reg. 19117)

June 5, 1996
 (61 Fed. Reg. 28508)

POLLUTION CONTROL BOARD

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emissions requirements until October 6, 1996. Phase III LTR corrected only. USPPA made technical corrections to the April 6, 1996, Phase III LTRs and partial withdrawal. Based on standard review of judicial challenge, all standards review of judicial challenge. USPPA amended the September 10, 1995, issued on air emissions rule in response to a January 19, 1996, vacation in Sorghum-Klein Company, EPA, 88, 92-1629, slip op. (D.C., Cir., 1994, 1995, 1996) of the October 30, 1995, administrative law stay of the rule.

As with the previous docket time frame, the Board will not need to act on vacation of the January 1, 1996, through June 30, 1996, federal RCRA Subtitle C amendments. The Board dealt with the federal amendments of June 30, 1996, to docket 89-21 on June 28, 1996. Because the Board's 1996 action was related to federal authority over the LTRs, the Board Subtitle C program, which the Board notes in this report, had which requires no further action. Finally, as discussed below, the June 29, 1996 federal action on RCRA Subtitle C amendments, which the Board notes in this report, had which requires no further action. Because it received the federal amendments of October 30, 1996, docket 89-21.

July 1996 Federal Actions

A small number of federal amendments to the RCRA Subtitle C regulations directly affected the subject matter involved in this docket by virtue of the amendments included in 89-21 and 89-22. These include the following actions that would normally have acted under reserved RCRA Subtitle C update docket, 89-21, for the period July 1, 1996 through December 31, 1996. These include the following federal actions:

July 10, 1996
(61 Fed. Reg. 16419)
August 26, 1996
(61 Fed. Reg. 19771)
November 28, 1996
(61 Fed. Reg. 59311)

Summary:
Corrected only to the Phase III LTRs. USPPA made a minor correction to one of the April 6, 1996, actions.
Emergency revision of the Phase III LTRs. USPPA adopted an emergency amendment to make technical corrections to the RCRA Subtitle C program included with the Phase III LTRs. Final Amendments to the "Subpart C" rules. USPPA adopted final amendments to the December 6, 1994, organic and inorganic emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. USPPA had previously amended and stayed the effective date of various actions of the rules, and these final amendments were

POLLUTION CONTROL BOARD

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intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally have acted under the reserved RCRA Subtitle C update docket 89-21 for the period January 1, 1997 through June 30, 1997 are the following:

January 14, 1997
(62 Fed. Reg. 3991)
February 19, 1997
(62 Fed. Reg. 5931)

Summary:
Emergency extension of the national capacity variance for KRRB wastes. USPPA extended the national capacity variance for KRRB wastes for 30 months until July 8, 1997.

Corrected only to the Phase III LTRs. USPPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996, actions amending these tables.

May 17, 1997
(62 Fed. Reg. 2991)

Adoption of the Phase IV LTRs. USPPA adopted the Phase IV LTRs, among other amendments, (on July 16, 1997, the Board received a motion from the Petition Disposal Company to expedite on narrow aspect of these amendments that significantly reduced the paperwork burden of the requirement for waste cost of treatment.)

June 17, 1997
(62 Fed. Reg. 17971)

Amendment of national waste listings in response to a judicial demand. USPPA deleted a number of excludable waste listings in response to the demand in *Environmental Task Force v. EPA*, 98 F.3d 1384 (D.C., Cir., 1996).

Finally, the Board has included the update period July 1, 1997 through December 31, 1997, for which there is no docket presently reserved. That action is the following:

July 14, 1997
(62 Fed. Reg. 17971)

Summary:
Extension of the national capacity variance for KRRB wastes. USPPA extended the national capacity variance for KRRB wastes for three months until October 8, 1997.

December 31, 1996
(62 Fed. Reg. 17971)

Summary:
Extension of the national capacity variance for KRRB wastes. USPPA extended the national capacity variance for KRRB wastes for three months until October 8, 1997.

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Phase III land disposal restrictions (LDRs).

April 8, 1996

(61 Fed. Reg. 15596)

April 30, 1996

Phase III LDR corrections.

(61 Fed. Reg. 19117)

June 28, 1996

Phase III LDR corrections.

(61 Fed. Reg. 33680)

Specifically, the amendments to Part 724 implement major aspects of the organic material emissions regulations applicable to tanks, containers, and surface impoundments that contain hazardous waste (called the "Subpart Cc" rules). They incorporate the substance of the revised testing requirements for sorbent materials used to dispose hazardous waste in landfills and certain aspects of the OECD regulations applicable to international shipments of hazardous waste for recycling that are applicable to treatment, storage, and disposal (T/S/D) facilities. The Board further used this opportunity to make a number of non-substantive corrective and editorial amendments to the existing text of Part 724.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney

Illinois Pollution Control Board
100 W. Randolph, 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of November 6, 1997 from Victoria Agyeman, at the above address, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724

STANDARDS FOR OWNERS AND OPERATORS OF
HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Purpose, Scope and Applicability
724.101
Relationship to Interim Status Standards
724.103

SUBPART B: GENERAL FACILITY STANDARDS

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724.110
724.111
724.112
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General Inspection Requirements
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Location Standards
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SUBPART C: PREPAREDNESS AND PREVENTION

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724.137

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Required Equipment
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Required Aisle Space
Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

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Content of Contingency Plan
Copies of Contingency Plan
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724.155 Emergency Coordinator
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SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

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724.170 Applicability
724.171 Use of Manifest System
724.172 Manifest Discrepancies
724.173 Operating Record
724.174 Availability, Retention and Disposition of Records
724.175 Annual Report
724.176 Unmanifested Waste Report
724.177 Additional Reports

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

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724.190 Applicability
724.191 Required Programs
724.192 Groundwater Protection Standard
724.193 Hazardous Constituents
724.194 Concentration Limits
724.195 Point of Compliance
724.196 Compliance Period
724.197 General Groundwater Monitoring Requirements
724.197 Detection Monitoring Program
724.198 Compliance Monitoring Program
724.199 Corrective Action Program
724.200 Corrective Action for Solid Waste Management Units

SUBPART G: CLOSURE AND POST-CLOSURE

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724.210 Applicability
724.211 Closure Performance Standard
724.212 Closure Plan; Amendment of Plan
724.213 Closure; Time Allowed For Closure
724.214 Disposal or Decontamination of Equipment, Structures and Soils
724.215 Certification of Closure
724.216 Survey Plan
724.217 Post-closure Care and Use of Property
724.218 Post-closure Plan; Amendment of Plan
724.219 Post-closure Notices
724.220 Certification of Completion of Post-closure Care

SUBPART H: FINANCIAL REQUIREMENTS

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724.241 Definitions of Terms As Used In This Subpart
724.242 Cost Estimate for Closure
724.243 Financial Assurance for Closure
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724.245 Financial Assurance for Post-closure Care
724.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
724.247 Liability Requirements
724.247 Incapacity of Owners or Operators, Guarantors or Financial Institutions
724.248 Wording of the Instruments
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724.271 Condition of Containers
724.272 Compatibility of Waste With Container
724.273 Management of Containers
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724.275 Containers
724.276 Special Requirements for Ignitable or Reactive Waste
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724.291 Assessment of Existing Tank System's Integrity
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724.294 General Operating Requirements
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724.296 Response to Leaks or Spills and Disposition of Leaking or unit-for-use Tank Systems
724.297 Closure and Post-Closure Care
724.298 Special Requirements for Ignitable or Reactive Waste
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724.321	Design and Operating Requirements
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724.323	Response Actions
724.324	Monitoring and Inspection
724.325	Emergency Repairs; Contingency Plans
724.326	Closure and Post-closure Care
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SUBPART L: WASTE PILES

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724.352	Action Leakage Rate
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724.354	Monitoring and Inspection
724.356	Special Requirements for Ignitable or Reactive Waste
724.357	Special Requirements for Incompatible Wastes
724.358	Closure and Post-closure Care
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724.370	Applicability
724.371	Treatment Program
724.372	Treatment Demonstration
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724.376	Food and Crops Monitoring
724.377	Unsaturated Zone Monitoring
724.379	Recordkeeping
724.380	Closure and Post-closure Care
724.381	Special Requirements for Ignitable or Reactive Waste
724.382	Special Requirements for Incompatible Wastes
724.383	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

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724.400	Applicability
724.401	Design and Operating Requirements
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724.403	Monitoring and Inspection
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724.414	Special Requirements for Bulk and Containerized Liquids
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724.416	Disposal of Small Containers of Hazardous Waste in Overpacked Drums
724.417	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART O: INCINERATORS

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724.440	Applicability
724.441	Waste Analysis
724.442	Principal Organic Hazardous Constituents (POHCs)
724.443	Performance Standards
724.444	Hazardous Waste Incinerator Permits
724.445	Operating Requirements
724.447	Monitoring and Inspections
724.451	Closure

SUBPART S: CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

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724.652	Corrective Action Management Units
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SUBPART W: DRIP PADS

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724.670	Applicability
724.671	Assessment of existing drip pad integrity
724.672	Design and installation of new drip pads
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724.700	Applicability
724.701	Environmental Performance Standards
724.702	Monitoring, Analysis, Inspection, Response, Reporting and Corrective Action

COLLECTION CONTROL BOARD
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724.701 Post-closure Care
SUMMARY: ADOPTION STANDARDS FOR POST-CLOSURE MONITORING

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724.910 Applicability
724.911 Definitions
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724.913 Standards: Closed-vent Systems and Control Devices
724.914 Test Methods and Procedures
724.915 Recordkeeping Requirements
724.916 Reporting Requirements

SUMMARY: ADOPTION STANDARDS FOR EIGHTMENT LEAKS

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724.951 Definitions
724.952 Standards: Pumps in Light Liquid Service
724.953 Standards: Compressors
724.954 Standards: Pressure Relief Devices in Gas/Vapor Service
724.955 Standards: Sampling Connecting Systems
724.956 Standards: Quench Valves in Tanks
724.957 Standards: Valves in Gas-Vapor or Light Liquid Service
724.958 Standards: Pumps, Valves, Pressure Relief Devices, and Other Connections
724.959 Standards: Delay of Repair
724.960 Standards: Closed-vent Systems and Control Devices
724.961 Alternative Post-closure Standards for Valves
724.962 Skip-Test Alternative for Valves
724.963 Test Methods and Procedures
724.964 Recordkeeping Requirements
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SUMMARY: ADOPTION STANDARDS FOR TANKS, SURFACE IMBODIMENTS, AND CONTAINERS

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724.980 Applicability
724.981 Definitions
724.982 Standards: General
724.983 Waste Determination Procedures
724.984 Standards: Tanks
724.985 Standards: Surface Imbodiments
724.986 Standards: Containers
724.987 Standards: Closed-vent Systems and Control Devices
724.988 Inspection and Monitoring Requirements
724.989 Recordkeeping Requirements
724.990 Reporting Requirements

COLLECTION CONTROL BOARD
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724.991 Alternative Control Requirements for Tanks
SUMMARY: ADOPTION STANDARDS FOR TANKS

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724.1100 Applicability
724.1101 Definitions and Operating Standards
724.1102 Closure and Post-closure Care

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APPENDIX B EPA Report Form and Instructions (Repealed)
APPENDIX C Coordination of the Bedrock Fracture Student's Test
APPENDIX D Examples of Potential Field Data
APPENDIX E Groundwater Monitoring Data

AUTHORITY: Implementation of Section 22-4 and authority used by Section 22-1 of the Environmental Protection Act (415 ILCS 5/22-4 and 22-1).

SOURCE: Adopted in R02-19, 53 ICR 111, at 7-111, Reg. 140-9, effective October 12, 1983; amended in R04-9, at 9-111, Reg. 119-4, effective July 24, 1985; amended in R05-22, at 10-111, Reg. 116, effective January 2, 1986; amended in R06-20, at 11-111, Reg. 141-19, effective August 12, 1986; amended in R06-20, at 11-111, Reg. 141-19, effective March 24, 1987; amended in R06-20, at 11-111, Reg. 141-19, effective April 21, 1987; amended in R06-46, at 11-111, Reg. 141-19, effective August 4, 1987; amended in R07-5, at 11-111, Reg. 141-19, effective November 12, 1987; amended in R07-19, at 12-111, Reg. 141-19, effective December 28, 1988; amended in R08-16, at 11-111, Reg. 141-19, effective November 11, 1989; amended in R09-2, at 14-111, Reg. 141-19, effective August 22, 1990; amended in R09-10, at 14-111, Reg. 141-19, effective September 25, 1990; amended in R09-11, at 15-111, Reg. 141-19, effective June 17, 1991; amended in R09-11, at 15-111, Reg. 141-19, effective October 1, 1991; amended in R09-11, at 15-111, Reg. 141-19, effective June 9, 1992; amended in R09-11, at 15-111, Reg. 141-19, effective November 6, 1992; amended in R09-10, at 17-111, Reg. 141-19, effective March 26, 1993; amended in R09-11, at 17-111, Reg. 141-19, effective November 22, 1993; amended in R09-11, at 17-111, Reg. 141-19, effective July 29, 1994; amended in R09-11, at 17-111, Reg. 141-19, effective November 21, 1994; amended in R09-11, at 17-111, Reg. 141-19, effective June 27, 1995; amended in R09-20, at 20-111, Reg. 112-43, effective August 1, 1996; amended in R09-10/19-1/19-5, at 22-111, Reg. 141-19, effective June 16, 1997.

NOTE: In this text, superscript numbers or letters are denoted by percent signs; subscript numbers are denoted by brackets.

SUMMARY: GENERAL FACILITY STANDARDS

Section 224.112 Required Notices

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) **Receipt from a foreign source.**
- 1) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the Regional Administrator in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.
- 2) The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to 35 Ill. Adm. Code 722. Subpart H must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460; to the Bureau of Land, Division of Land Pollution Control, Illinois Environmental Protection Agency, P.O. Box 19276, Springfield, IL 62794-9276; and to the competent authorities of all other concerned countries within three working days of receipt of the shipment at the facility for at least three years.
- b) The owner or operator of a facility that receives hazardous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that the owner or operator has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record.
- c) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of this Part and 35 Ill. Adm. Code 702 and 703.

BOARD NOTE: An owner's or operator's failure to notify the new owner or operator of the requirements of this Part in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.

(Source: Amended at 22 Ill. Reg. 606, effective 1/1/88)

Section 724.113 General Waste Analysis

a) Analysis:

- 1) Before an owner or operator treats, stores, or disposes of any hazardous wastes, or non-hazardous wastes if applicable under Section 724.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information that must be known to treat, store, or dispose of the

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- 2) The analysis may include data developed under 35 Ill. Adm. Code 728.721 and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.
- BOARD NOTE:** For example, the facility's records of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility may be included in the data base required to comply with subsection (a)(1) of this Section above. The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1) of this Section above, except as otherwise specified in 35 Ill. Adm. Code 728.107(b) and (c). If the generator does not supply the information, and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.
- 3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:
- When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), has changed; and
 - For off-site facilities, when the results of the inspection required in subsection (a)(4) of this Section below indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.
- 4) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste shipment received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.
- b) The owner or operator shall develop and follow a written waste analysis plan that describes the procedures that it will carry out to comply with subsection (a) of this Section above. The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:
- The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a) of this Section above).
 - The test methods that will be used to test for these parameters.
 - The sampling method that will be used to obtain a representative sample of the waste to be analyzed. A representative sample may

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be obtained using either:

- A) One of the sampling methods described in 35 Ill. Adm. Code 721-Appendix A; or
- B) An equivalent sampling method.

BOARD NOTE: See 35 Ill. Adm. Code 720.121.

- 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date.

- 5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.

- 6) Where applicable, the methods that will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 724.117, 724.414, 724.441, 724.934(d), 724.963(d), and 724.963 and 35 Ill. Adm. Code 728.107.

- 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules

for:

- A) The sampling of impoundment contents;
- B) The analysis of test data; and
- C) The analysis of test data that are not delisted under 35 Ill. Adm. Code 720.122 or which exhibit a characteristic of hazardous waste and either:

- i) Do not meet applicable treatment standards of 35 Ill. Adm. Code 728 Subpart D; or

- ii) Where no treatment standards have been established, such residues are prohibited from land disposal under

- 35 Ill. Adm. Code 728.132 or 728.139 or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f).

- 8) For owners and operators seeking an exemption to the air emission standards of 724 Subpart CC in accordance with Section 724.982:

- A) If direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis and the analysis of test data to verify the exemption; and,

- B) If knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator or by the generator of the waste, if the waste is received from off-site, that is used as the basis for knowledge of the waste. ~~Each-generator's notice-and certification-of--the-volatile-organic-concentration-in-the waste-if-the-waste-is-received-from-off-site.~~

- C) For off-site facilities, the waste analysis plan required in subsection (b) of this Section above must also specify the procedures that will be used to inspect and, if necessary, analyze each shipment of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or

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shipping paper. At a minimum, the plan must describe:

- 1) The procedures that will be used to determine the identity of each movement of waste managed at the facility;
- 2) The sampling method that will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling; and

- 3) The procedures that the owner or operator of an off-site landfill receiving container sized hazardous waste will use to determine whether a hazardous waste generator or transporter has added a biodegradable sorbent to the waste in the container.

BOARD NOTE: 35 Ill. Adm. Code 703 requires that the waste analysis plan be submitted with Part B of the permit application.

(Source: Amended at 22 Ill. Reg. 1-1-77, effective DEC 1, 1977)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 724.171 Use of Manifest System

- a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or the owner or operator's manifest, must:

- 1) Sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;

- 2) Note any significant discrepancies in the manifest (as defined in Section 724.172(a)) on each copy of the manifest;

BOARD NOTE: The Board does not intend that the owner or operator of a facility whose procedures under Section 724.113(C) include waste analysis must perform that analysis before signing the manifest and giving it to the transporter. Section 724.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

- 3) Immediately give the transporter at least one copy of the signed manifest;

- 4) Within 30 days after the delivery, send a copy of the manifest to the generator and to the Agency; and

- 5) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

- b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the USEPA BPA identification numbers, generator's certification, and signatures), the owner or operator, or the owner or operator's agent, must:

- 1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

- 2) Note any significant discrepancies (as defined in Section

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724.172(a)) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper.

BOARD NOTE: The Board does not intend that the owner or operator of a facility whose procedures under Section 724.113(c) include waste analysis must perform that analysis before signing the shipping paper and giving it to the transporter. Section 724.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

3) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

4) Within 30 days after the delivery, send a copy of the signed and dated manifest to the generator and to the Agency; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or the owner or operator's agent, must send a copy of the shipping paper signed and dated to the generator; and

BOARD NOTE: Section 722.123(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).

5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 35 Ill. Adm. Code 722.

BOARD NOTE: The provisions of 35 Ill. Adm. Code 722.134 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of Section 722.134 only apply to owners or operators that who are shipping hazardous waste which they generated at that facility.

d) Within three working days after the receipt of a shipment subject to 35 Ill. Adm. Code 722.134, the owner or operator of the facility must provide a copy of the tracking document bearing all required signatures to the notifier; to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222H), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460; to the Bureau of Land, Division of Pollution Control, Illinois Environmental Protection Agency, P.O. Box 19276, Springfield, IL 62794-9276; and to competent authorities of all concerned entities. The original copy of the tracking document must be maintained at the facility for at least three years from the date of signature.

(Source: Amended at 22 Ill. Reg. 111, effective 1/1/81)

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SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section 724.279 Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a container in accordance with the requirements of 724.279, Subparts AA, BB, and Subpart CC.

(Source: Amended at 22 Ill. Reg. 111, effective 1/1/81)

SUBPART J: TANK SYSTEMS

Section 724.300 Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a tank in accordance with the requirements of 724.300, Subparts AA, BB, and Subpart CC.

(Source: Amended at 22 Ill. Reg. 111, effective 1/1/81)

SUBPART K: SURFACE IMPOUNDMENTS

Section 724.332 Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a surface impoundment in accordance with the requirements of 724.332, Subparts BB and Subpart CC.

(Source: Amended at 22 Ill. Reg. 111, effective 1/1/81)

SUBPART N: LANDFILLS

Section 724.414 Special Requirements for Bulk and Containerized Liquids

a) This subsection corresponds with 40 CFR 264.314(a), which pertains to pre May 8, 1985 actions, a date long since passed. This statement maintains structural consistency with USEPA H-S-BPA rules.

b) The placement of bulk or non-containerized liquid hazardous or hazardous waste containing free liquids (whether or not absorbents have been added) in any landfill is prohibited.

c) To demonstrate the absence or presence of free liquids in either a container or a landfill, the following test must be used: Method 995 (Paint Filter Liquids Test) as described in the Methods for Evaluating Solid Wastes, Physical/Chemical Methods, USEPA H-S-BPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111.

d) Containers holding free liquids must not be placed in a landfill

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unless; if

- 1) All free-standing liquid:
 - A) has been removed by decanting or other methods;
 - B) has been mixed with sorbent or solidified so that free-standing liquid is no longer observed; or
 - C) has been otherwise eliminated; or
 - 2) The container is very small, such as an ampule; or
 - 3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or
 - 4) The container is a lab pack as defined in Section 724.416 and is disposed of in accordance with Section 724.416.
- e) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are: materials listed or described in subsection (e)(1) of this Section below; materials that pass one of the tests in subsection (e)(2) of this Section below; or materials that are determined by the Board to be nonbiodegradable through the 35 Ill. Adm. Code 106 adjusted standard process.

1) Nonbiodegradable sorbents are:

- A) Inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal (activated carbon)); or
- B) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polyurethane, polyethylene, polyurethane, polyisobutylene, ground synthetic rubber, cross-linked allylstrene and tertiary butyl copolymers). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or

C) Mixtures of these nonbiodegradable materials.

2) Tests for nonbiodegradable sorbents:

- A) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a) -- "Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi", incorporated by reference in 35 Ill. Adm. Code 720.111; or
- B) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b) -- "Standard Practice for Determining Resistance of Plastics to Bacteria", incorporated by reference in 35 Ill. Adm. Code 720.111; or
- C) The sorbent material is determined to be nonbiodegradable

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under OECD test 301B [CO(2) Evolution, (Modified Sturm Test)], incorporated by reference in 35 Ill. Adm. Code 720.111.

- f) The placement of any liquids that is not a hazardous waste in a landfill is prohibited (35 Ill. Adm. Code 729.311).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 724.930 Applicability

- a) This Subpart applies to owners and operators of facilities that treat, store or dispose of hazardous wastes (except as provided in Section 724.101).
 - b) Except for Sections 724.934(d) and (e), this Subpart applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw (parts per million by weight), if these operations are conducted in:
 - 1) Units that are subject to the permitting requirements of 35 Ill. Adm. Code 703; or
 - 2) A unit (including a hazardous hazardous waste recycling unit) that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.133(a) (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility located otherwise subject to the permitting requirements of 35 Ill. Adm. Code 703.07.
 - 3) A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.133(a) (i.e., a 90-day tank or container).
 - c) If the owner or operator of process vents subject to the requirements of Sections 724.932 through 724.936 has received a RCRA permit prior to December 21, 1990, the requirements of Section 724.932 through 724.936 must be incorporated when the permit is issued under 35 Ill. Adm. Code 705.01 or reviewed under 35 Ill. Adm. Code 702.161.
- BOARD NOTE: The requirements of Sections 724.932 through 724.936 apply to process vents on hazardous waste recycling units previously exempt from 35 Ill. Adm. Code 722.133(a)(1). Other exemptions under 35 Ill. Adm. Code 721.104, 722.134 and 724.101(g) are not affected by these requirements.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 724.933 Standards: Closed-vent Systems and Control Devices

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a) Compliance Required.

- 1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part shall comply with the provisions of this Section.
- 2) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes the date by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 3094 months after the effective date that the facility becomes subject to this Subpart for installation and startup. All units that begin operation after December 21, 1990, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 2-year implementation schedule does not apply to these units.
- b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 724.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.
- c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds and not in carbon equivalents, on a dry basis, corrected to 13% oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760°C. If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame zone of the boiler or process heater.
- d) Flares:
 - 1) A flare must be designed for and operated with no visible emissions, as determined by the methods specified in subsection (e)(1), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.
 - 2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(C) of this Section below.
 - 3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater and the flare is steam-assisted or air-assisted or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater and the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods

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4) specified in subsection (e)(2) of this Section below.

- A) A steam-assisted or nonassisted flare must be designed for an operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section below, less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (d)(4)(C) of this Section below.
- B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section below, equal to or greater than 18.3 m/s (60 ft/s) and less than 12 m/s (400 ft/s), is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).
- C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section below, less than the velocity, V, as determined by the method specified in subsection (e)(4) of this Section below and less than 122 m/s (400 ft/s) is allowed.
- 5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V, as determined by the method specified in subsection (e)(5) of this Section below.
- 6) A flare used to comply with this Section must be steam-assisted, air-assisted, or nonassisted.
- e) Compliance determination and equations.
 - 1) Reference Method 22 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart. The observation period is 2 hours and must be used according to Method 22.
 - 2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H(T) = K \times \sum_{i=1}^n C(i) \times H(i)$$
 Where:

H(T) is the net heating value of the sample in MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mole is 20°C.

$K = 1.74 \times 10(72) \pm 74-B-7$ (1/ppm)(g mol/scm)(MJ/kcal) where standard temperature for (g mol/scm) 20°C.

SUM(Xi) means the sum of the values of X for each component i, from i=1 to n.

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The one temperature sensor must be installed at a location in the exhaust vent stream from the condenser (i.e., product side) and a second temperature sensor must be installed at a location in the coolant fluid exiting the condenser.

G) For a carbon adsorption system that regenerates the carbon bed directly in the control device such as a fixed-bed carbon adsorber, either:

- i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed, or
 - ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.
- 3) Inspect the readings from each monitoring device required by subsections (f)(1) and (f)(2) at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with the requirements of this Section.
- g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 724.935(b)(4)(C)(vi).
- h) An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:
- 1) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20% percent of the time required to consume the total carbon working capacity established as a requirement of Section 724.935(b)(4)(C)(vii), whichever is longer.
 - 2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 724.935(b)(4)(C)(vii).
- i) An alternative operational or process parameter may be monitored if the operator demonstrates that the parameter will ensure that the control device is operated in conformance with these standards and the control device's design specifications.

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- j) An owner or operator of an affected facility seeking to comply with the provisions of this Part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or control device parameter that indicate proper operation and maintenance of the control device.
- k) A closed-vent system must meet either of the following design requirements: closed-vent systems.
- 1) A closed closed-vent system systems must be designed to operate for-an-operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv ppm above background and by-visual-inspections, as determined by the methods specified at Section 724.934(b), and by visual inspections; or
 - 2) A closed-vent system must be designed to operate at a pressure below atmospheric pressure. The system must be equipped with at least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating. closed-vent systems must-be-monitored-to-determine-compliance-with-this-Section during-the-initial-leak-detection-monitoring-which-must-be-conducted-by-the-date-that-the-facility-becomes-subject-to-the-provisions-of-this-Section-annually-and-at-other-times-as-specified-in-the-RCRA-permit-for-the-annual-leak-detection monitoring-after-the-initial-leak-detection-monitoring-the-owner or-operator-is-not-required-to-monitor-those-closed-vent-system components-that-operate-in-vacuum-service-or-those-closed-vent system-joints-seams-or-other-connections-that-are-permanently or-sem-permanently-sealed-to-giv-a-welded-joint-between-two sections-of-metal-pipe-or-a-bolted-and-gasketed-pipe-flange).
- 3) Detectable emissions, as indicated by an instrument reading greater than 500 ppmv, and visual inspections, must be controlled the-emission-is-detected but not later than 15 calendar days after the emission is detected.
- 4) A-first-attempt-at-repair-must-be-made-no-later-than-5-calendar days-after-the-emission-is-detected-
- l) The owner or operator shall monitor and inspect each closed-vent system required to comply with this Section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:
- 1) Each closed-vent system that is used to comply with subsection (k)(1) of this Section shall be inspected and monitored in accordance with the following requirements:
 - A) An initial leak detection monitoring of the closed-vent system shall be conducted by the owner or operator on or before the date that the system becomes subject to this

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Section. The owner or operator shall monitor the closed-vent system components and connections using the procedures specified in Section 724.934(b) to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv of this Section background.

B) After initial leak detection monitoring required in subsection (1)(1)(A) of this Section, the owner or operator shall inspect and monitor the closed-vent system as follows:

1) Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint or two sections of hard piping) shall be visually inspected and gasketed ducting flanges must be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The owner or operator shall monitor air pollutant emissions from a closed-vent system using the procedures specified in Section 724.934(b) to demonstrate that it operates with no detectable emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted).

ii) Closed-vent system components or connections other than those specified in subsection (1)(1)(B)(i) of this Section must be monitored annually and at other times as requested by the Regional Administrator, except as provided for in subsection (C) of this Section, using the procedures specified in Section 724.934(b) to demonstrate that the components or connections operate with no detectable emissions.

C) In the event that a defect or leak is detected, the owner or operator shall repair the defect or leak in accordance with the requirements of subsection (1)(3) of this Section.

D) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 724.935.

2) Each closed-vent system that is used to comply with subsection (k)(2) of this Section must be inspected and monitored in accordance with the following requirements:

A) The closed-vent system must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or piping or loose connections.

B) The owner or operator shall perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every

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year.

C) In the event that a defect or leak is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (1)(3) of this Section.

D) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 724.935.

3) The owner or operator shall repair all detected defects as follows:

A) Detectable emissions, as indicated by visual inspection of an instrument reading greater than 500 ppmv above background, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in subsection (1)(3)(C) of this Section.

B) A first attempt at repair must be made no later than five calendar days after the emission is detected.

C) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible, but a process unit shutdown, or if the owner or operator determines that the emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment must be completed by the end of the next process unit shutdown.

D) The owner or operator shall maintain a record of the defect repair in accordance with the requirements specified in Section 724.935.

m) A closed closed-vent system ~~systems~~ and control device ~~devices~~ used to comply with provisions of this Subpart must be operated at all times when emissions may be vented to it ~~them~~.

nn) The owner or operator using a carbon adsorption system to control air pollutant emissions shall document that all carbon removed that is a hazardous waste and that is removed from a carbon adsorption system to comply with ~~subsections (f)(7) and (f)(8) above~~ the control device is managed in one of the following manners, regardless of the volatile organic concentration of the carbon:

1) It is regenerated or reactivated in a thermal treatment unit that meets one of the following: ~~is permitted under 724-Subpart K-7~~

A) The owner or operator of the unit has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart X of this Part; or

B) The unit is equipped with and operating air emission controls in accordance with the applicable requirements of Subparts AA and CC or 35 Ill. Adm. Code 725-Subparts AA and CC; or

C) The unit is equipped with and operating air emission controls in accordance with a national emission standard for

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- hazardous air pollution under 40 CFR 61 or 40 CFR 63.
- 2) It is incinerated in a hazardous waste incinerator for which the owner or operator has done either of the following: **by-a--process that-is-permitted-under-724-Subpart-6r-or**
 - A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 709, 703, and 705 that implements the requirements of 724.Subpart O, or
 - B) The owner or operator has certified compliance in accordance with interim status requirements of 35 Ill. Adm. Code 725.Subpart O.
 - 3) It is burned in a boiler or industrial furnace for which the owner or operator had done either of the following: **that-is-permitted-under-724-Subpart-Hr**
 - A) The owner or operator had been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 726.Subpart H, or
 - B) The owner or operator has issued a permit to operate the boiler or industrial furnace in accordance with the interim status requirements of 35 Ill. Adm. Code 726 Subpart H.
 - 4) Any components of a closed-vent system that are designated, as described in Section 724.935(c)(9), as unsafe to monitor are exempt from the requirements of subsection (1)(1)(B)(ii) of this Section if both of the following conditions are fulfilled:
 - 1) The owner or operator of the closed-vent system has determined that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (1)(1)(B)(ii) of this Section; and
 - 2) The owner or operator of the closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the procedure specified in subsection (1)(1)(B)(ii) as frequently as practicable during safe-to-monitor times.

(Source: Amended at 22 Ill. Reg. 600, effective 1/1/87)

Section 724.934 Test methods and procedures

- a) Each owner or operator subject to the provisions of this Subpart shall comply with the test methods and procedures requirements provided in this Section
- b) A closed-vent system is tested for compliance with no detectable emissions required in Section 724.935(1k), the test must comply with the following test methods required by Reference Method 21 in 40 CFR 60, 1) Monitoring must comply with Reference Method 21 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 2) The detection instrument must meet the performance criteria of

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- Reference Method 21.
- 3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
 - 4) Calibration gases must be:
 - A) Zero air (less than 10 ppm of hydrocarbon in air).
 - B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.
 - 5) The background level must be determined as set forth in Reference Method 21.
 - 6) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
 - 7) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.
 - 8) Performance tests to determine compliance with Section 724.937(a) and with the test method specified in Reference Method 21 in 40 CFR 60, 724.933(c) must comply with the following:
 - 1) Performance tests to determine total organic compound concentrations and mass flow rates entering and existing control devices must be conducted and data reduced in accordance with the following reference methods and calculation procedures:
 - A) Method 2 in 40 CFR 60 for organic content.
 - B) Method 18 in 40 CFR 60 for velocity and volumetric flow rate.
 - C) Each performance test must consist of three separate runs, each run conducted for at least 1 hour under the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. For the purpose of determining total organic compound concentrations and mass flow rates, the average of results of all runs applies. The average must be computed on a time-weighted basis.
 - D) Total organic mass flow rates must be determined by the following equation:

Where:

P--is the total organic mass flow rate, kg/hr
 K--4.16--is the conversion factor for molar volume
 M--molecular weight of gas, g/mol
 Q--volumetric flow rate of gases entering or existing control device, dscm/hr, as determined by Method 2 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111
 S--the sum of the values of X--for each component--from 1st to n--
 n--number of organic compounds in the vent gas
 C--is the organic concentration in ppm, dry basis of

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compound i in the vent-gas as determined by Method-18 in 40 CFR 69.
 MW_i is the molecular weight of organic compound i in the vent-gas, kg/kg mol;

$$E[i] = Q[2sd] \times \sum_{i=1}^n C[i] \times MW[i] \times 0.0416 \times 10^{-6}$$

Where:

- $E[i]$ = The total organic mass flow rate, kg/h.
 $Q[2sd]$ = The volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by Method 2 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.
 n = The number of organic compounds in the vent gas.
 $C[i]$ = The organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Method 18 in 40 CFR 60.
 $MW[i]$ = The molecular weight of organic compound i in the vent gas, kg/kg-mol.
 0.0416 = The conversion factor for molar volume, kg-mol/m³, at 293 K and 760 mmHg.
 10^{-6} = The conversion factor from ppm.

E) The annual total organic emission rate must be determined by the following equation:

$$A = F \times \bar{H} \times HOURS$$

Where:

- A is total organic emission rate, kg/y.
 F is the total organic mass flow rate, kg/h, as calculated in subsection (c)(1)(D) of this Section.
 \bar{H} HOURS is the total annual hours of operation for the affected unit.

F) Total organic emissions from all affected process vents at the facility must be determined by summing the hourly total organic mass emissions rates (F as determined in subsection (c)(1)(D) of this Section) and by summing the annual total organic mass emission rates (A as determined in subsection (c)(1)(E) of this Section) for all affected process vents at the facility.

- 2) The owner or operator shall record such process information as is necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction do not constitute representative conditions for the purpose of a performance test.
- 3) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

- Sampling ports adequate for the test methods specified in subsection (c)(1) of this Section.
 - Safe sampling platform(s).
 - Safe access to sampling and testing equipment.
 - Utilities for sampling and testing equipment.
- 4) For the purpose of making compliance determinations, the time-weighted average of the results of the three runs must apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions or other circumstances beyond the owner or operator's control, compliance may, upon the Agency's approval, be determined using the average of the results of the two other runs.
- d) To show that a process vent associated with a hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation is not subject to the requirements of this Subpart, the owner or operator shall make an initial determination that the time-weighted, annual average total organic concentration of the waste managed by the waste managed by the waste management unit is less than 10 ppmw using one of the following two methods:

- Direct measurement of the organic concentration of the waste using the following procedures:
 - The owner or operator shall take a minimum of four grab samples of waste for each waste stream managed in the affected unit under process conditions expected to cause the maximum waste organic concentration.
 - For waste generated onsite, the grab samples must be collected at a point before the waste is exposed to the atmosphere such as in an enclosed pipe or other closed system that is used to transfer the waste after generation to the first affected distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation. For waste generated offsite, the grab samples must be collected at the inlet to the first waste management unit that receives the waste provided the waste has been transferred to the facility in a closed system such as a tank truck and the waste is not diluted or mixed with other waste.

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- C) Each sample must be analyzed and the total organic concentration of the sample must be computed using Method 9060 or 8240 of SW-846, f incorporated by reference under 35 Ill. Adm. Code 720.111.
- D) The arithmetic means of the results of the analyses of the four samples apply for each wastewater managed in the unit in determining the time-weighted, annual average total organic concentration of the waste. The time-weighted average concentration is calculated using the annual quantity of wastewater stream processed within the unit. The total organic concentration of each wastewater managed in the unit, the concentration of the waste to determine that its total organic concentration is less than 10 ppmw. Documentation of the waste determination is required. Examples of documentation that must be used to support a determination under this subsection (d)(2) include:
- Production process information documenting that no organic compounds are used;
 - Information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to generate a wastewater having a total organic content less than 10 ppmw; or
 - Prior speciation analysis results on the same wastewater where it is also documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.
- e) The determination that a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation that manages operations which manage hazardous wastes that have with time-weighted, annual average total organic concentrations less than 10 ppmw must be made as follows:
- By the effective date that the facility becomes subject to the provisions of this Subpart or by the date when the waste is first managed in the waste management unit, whichever is later; and
 - For continuously managed units, the waste is managed or a change in the process that generates or treats the waste.
- f) When an owner or operator and the Agency do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, the procedures in Method 8240 in SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to resolve the dispute.

(Source: Amended at 22 Ill. Reg. 111, effective 1/1/81)

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Section 724.935 Recordkeeping Requirements

a) Compliance Required.

- Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.
- An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit and the owner or operators shall record the following information in the facility operating record that comply with the provisions of Section 724.933(a)(2): an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The schedule must also include a rationale of why the installation cannot be completed at an earlier date. The implementation schedule must be in the facility operating record by the effective date that the facility becomes subject to the provisions of this Subpart.

2) Up-to-date documentation of compliance with the process vent standards in Section 724.932, including:

- Information and data identifying all affected process vents, annual through and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan).
- Information and data supporting determination of vent emissions and emission reductions achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, determinations of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or vent stream organic compounds and concentrations) that represent the conditions that result in maximum organic emissions such as load or capacity management units operating at the highest load or capacity level reasonably expected (e.g., managing the owner or operator takes an action (e.g., managing a waste of different composition or increasing operating hours of affected waste management units) that would result in an increase in total organic emissions from affected process vents at the facility, then a new determination is required.

- Where an owner or operator chooses to use test data to determine the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test

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plan. The test plan must include:

- A) A description of how it is determined that the planned test is going to be conducted when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. This must include the estimated or design flow rate and organic content of each vent stream and define the acceptable operating ranges of key process and control device parameters during the test program.
- B) A detailed engineer test description of the closed vent system and control device including:
 - i) Manufacturer's name and model number of control device.
 - ii) Type of control device.
 - iii) Design rate of the control device.
 - iv) Capacity.
 - v) Construction materials.
- C) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.

4) Documentation of compliance with Section 724.911 must include the following information:

- A) A list of all information references and sources used in preparing the documentation.
- B) Records, including the dates of each compliance test required by Section 724.911(A).
- C) If duration test calculations are used, a design analysis, if duration test, theoretical, actual test, and required test information, must be included in the test plan. This information must be retained in accordance with 35.111 (b)(7) and 415. (b)(3) and must be tested, approved by the Agency, that a second basic control device design information, documented by the control device manufacturer or supplier that shows the control device design is accordance with subparts (b)(4)(C)(1) through (b)(11) of this Section, below may be used to comply with this equipment. The design analysis must address the vent stream characteristics and control device operation parameters as specified below.

- i) For a thermal vapor incinerator, the design analysis must consider the vent stream composition, constituent concentration and flow rate. The design analysis must also establish the design minimum and average temperatures in the combustion zone and the combustion zone residence time.

- ii) For a catalytic vapor incinerator, the design analysis must consider the vent stream composition, constituent

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concentrations, and flow rate. The design analysis must also establish the design minimum and average temperatures across the catalyst bed inlet and outlet.

- iii) For a boiler or process heater, the design analysis must consider the vent stream composition, constituent concentrations and flow rate. The design analysis must also establish the design minimum and average flame zone temperatures, combustion zone residence time and description of method and location where the vent stream is introduced into the combustion zone.

- iv) For a flare, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also consider the requirements specified in Section 724.911(d).

- v) For a condenser, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream and design average temperature of the coolant fluid at the condenser inlet and outlet.

- vi) For a carbon adsorption system such as a fixed bed adsorber that regenerates, the carbon bed directly adsorbs in the control device, the design analysis must consider the vent stream composition, constituent concentrations and flow rate, relative humidity and temperature. The design analysis must also establish the design exhaust vent stream organic compound concentration level, minimum capacity of carbon bed, type and working capacity of adsorbed carbon used for carbon beds, design total adsorption cycle, duration of each complete carbon bed regeneration cycle, duration of the carbon bed cleanout and cooling/drying cycle, design carbon bed temperature after regeneration, design carbon bed regeneration time and design service life of carbon.

- vii) For a carbon adsorption system such as a carbon bed catalytic that does not regenerate, the carbon bed directly adsorbs in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic concentration level, capacity of carbon bed, type and working capacity of adsorbed carbon used for carbon beds, design carbon replacement interval based on the total design carbon capacity of the control device and carbon working capacity of the control device and

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- source operating schedule.
- D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.
- E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 percent or greater unless the total organic concentration limit of Section 724.932(a) is achieved at an efficiency less than 95 weight percent or the total organic emission limits of Section 724.932(a) for affected process vents at the facility are attained by a control device involving vapor recovery at an efficiency less than 95 weight percent. A statement provided by the control device manufacturer or vendor certifying that the control equipment meets the design specifications may be used to comply with this requirement.
- F) If precise tests are used to demonstrate compliance, all test results, and monitoring operating and inspection information for each closed-vent system and control device required to comply with the provisions of this Part must be recorded and kept up-to-date in the facility operating record. The information must include:
- 1) Description and date of each modification that is made to the closed-vent system or control device design.
 - 2) Identification of operating parameter, description of monitoring device, and diagram of monitoring sensor location or locations used to comply with Section 724.933(f)(1) and (2).
 - 3) Monitoring, operating and inspection information required by Section 724.933(f) through (k).
 - 4) Date, time and duration of each period that occurs while the control device is operating when any monitored parameter exceeds the value established in the control device design analysis as specified below:
 - A) For a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 second at a minimum temperature of 760°C, any period when the combustion temperature is below 760°C.
 - B) For a thermal vapor incinerator designed to operate with an organic emission reduction efficiency of 95 weight percent or greater, any period when the combustion zone temperature is more than 28°C below the design average combustion zone temperature established as a requirement of subsection (b)(4)(C)(i); or this Section above.
 - C) For a catalytic vapor incinerator, any period when:

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- i) Temperature of the vent stream at the catalyst bed inlet is more than 28°C below the average temperature of the inlet vent stream established as a requirement of subsection (b)(4)(C)(iii); of this Section above; or
 - ii) Temperature difference across the catalyst bed is less than 80 percent of the design average temperature difference established as a requirement of subsection (b)(4)(C)(iii); of this Section above.
- D) For a boiler or process heater, any period when:
- i) Flame zone temperature is more than 28°C below the design average flame zone temperature established as a requirement of subsection (b)(4)(C)(iii); of this Section above; or
 - ii) Position changes where the vent stream is introduced to the combustion zone from the location established as a requirement of subsection (b)(4)(C)(iii); of this Section above.
- E) For a flare, period when the pilot flame is not ignited.
- F) For a condenser that complies with Section 724.933(f)(2)(F)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the condenser are more than 20 percent greater than the design outlet organic compound concentration level established as a requirement of subsection (b)(4)(C)(v); of this Section above.
- G) For a condenser that complies with Section 724.933(f)(2)(F)(ii) any period when:
- i) Temperature of the exhaust vent stream from the condenser is more than 60°C above the design average exhaust vent stream temperature established as a requirement of subsection (b)(4)(C)(v); of this Section above.
 - ii) Temperature of the coolant fluid existing the condenser is more than 60°C above the design average coolant fluid temperature at the condenser outlet established as a requirement of subsection (b)(4)(C)(v); of this Section above.
- H) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 724.933(f)(2)(G)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the carbon bed are more than 20 percent greater than the design exhaust vent stream organic compound concentration level established as a requirement of subsection (b)(4)(C)(vi); of this Section above.
- I) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in

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the control device and complies with Section 724.933(f)(2)(C)(i), any period when the vent stream continues to flow through the control device beyond the predetermined carbon bed regeneration time established as a requirement of subsection (b)(4)(C)(vi) of this Section above.

- 5) Explanation for each period recorded under subsection (c)(4) of this Section above of the cause for control device operation parameter exceeding the design value and the measures implemented to correct the control device operation.
- 6) For a carbon adsorption system operated subject to requirements specified in Section 724.933(g) or (h)(2), any date when existing carbon in the control device is replaced with fresh carbon.
- 7) For a carbon adsorption system operated subject to requirements specified in Section 724.933(h)(1), a log that records:
 - A) Date and time when control device is monitored for carbon breakthrough and the monitoring device reading.
 - B) Date when existing carbon in the control device is replaced with fresh carbon.
- 8) Date of each control device startup and shutdown.

- 9) An owner or operator designating any components of a closed-vent system as unsafe to monitor pursuant to Section 724.933(c) shall record in a log that is kept in the facility operating record the identification of closed-vent system components that are designated as unsafe to monitor in accordance with the requirements of Section 724.933(c), an explanation for each closed-vent system component stating why the closed-vent system component is unsafe to monitor, and the plan for monitoring each closed-vent system component.

- 10) When each leak is detected as specified in Section 724.933(l), the following information must be recorded:

- A) The instrument identification number, the closed-vent system component identification number, and the operator name, initials or identification number.
- B) The date the leak was detected and the date of first attempt to repair the leak.

- C) The date of successful repair of the leak.

- D) Maximum instrument reading measured by Method 21 of 40 CFR 602 Appendix A, incorporated by reference 35 Ill. Adm. Code 720.115, after the leak is successfully repaired or determined to be nonleakable.

- E) "Repair delayed" and the reason for the delay if a leak is repaired within 15 calendar days after discovery of the leak.

- 11) The owner or operator may develop a written procedure that identifies the conditions that justify a delay of repair. In such cases, reasons for delay of repair may be documented by citing the relevant sections of the

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Written procedure.

- 11) If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were sufficiently stocked on-site before depletion and the reason for depletion.

- D) Records of the monitoring, operating, and inspection information required by subsections (c)(3) through (c)(10B) of this Section 7 above must need be kept at least only 3 years following the date of each occurrence, measurement, corrective action, or record.

- E) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser or carbon adsorption system, the Agency shall specify the appropriate recordkeeping requirements.

- F) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 724.932, including supporting documentation as required by Section 724.934(d)(2), when application of the knowledge of the nature of the hazardous wastewater or the process by which it was produced is used, must be recorded in a log that is kept in the facility operating record.

(Source: Amended at 22 Ill. Reg. 10.1 effective 10.1.1.1)

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 724.950 Applicability

- a) The regulations in this Subpart apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in Section 724.101).

- b) Except as provided in Section 724.964(k), this Subpart applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following: that is are subject to the RCRA permitting

- 1) A unit that is subject to the RCRA permitting requirements of 35 Ill. Adm. Code 720.703, and 705, or requirements including a hazardous hazardous waste recycling unit.
- 2) A unit that is subject to the RCRA permitting under the provisions of 35 Ill. Adm. Code 720.134(a) (i.e., a hazardous waste recycling unit that is not a "90-day" tank or container) and that is located at a new hazardous waste management facility facilities otherwise subject to the permitting requirements of 35 Ill. Adm. Code 702.703, and 705.

- 3) A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a "90-day" tank or container).

- c) If the owner or operator of equipment subject to the requirements of Sections 724.952 through 724.965 has received a RCRA permit prior to

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December 21, 1990, the requirements of Sections 724.952 through 724.965 must be incorporated when the permit is issued under 35 Ill. Adm. Code 705.201 or revised under 35 Ill. Adm. Code 702.161.

d) Each piece of equipment to which this Subpart applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.

e) Equipment that is in vacuum service is excluded from the requirements of Sections 724.952 to 724.960, if it is identified as required in Section 724.964(g)(5).

f) Equipment that contains or contacts hazardous waste with an organic concentration of at least 10% by weight for a period of less than 300 hours per calendar year is excluded from the requirements of Section 724.952 through 724.960 if it is identified as required in Section 724.964(g)(6).

BOARD NOTE: The requirements of Sections 724.952 through 724.965 apply to equipment associated with hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104, 722.134 and 724.101(g) are not affected by these requirements.

(Source: Amended at 22 Ill. Reg. 606.4, effective 1/1/91.)

Section 724.955 Standards: Sampling Connecting System

a) Each sampling connection system must be equipped with a closed-purge, closed-loop, system or closed-vent system. This system must collect the sample purge for return to the process or for routing to the appropriate treatment system. Gas displaced during filling of the sample containers must be collected and captured.

b) Each closed-purge, closed-loop, system or closed-vent system as required in subsection (a) must meet one of the following requirements:

- 1) Return the purge process fluid hazardous-waste-stream directly to the hazardous-waste-management process line with no-detectable emissions-to-atmosphere; or
- 2) Collect and recycle the purge process fluid hazardous-waste-stream with no-detectable emissions-to-atmosphere; or
- 3) Be designed and operated to capture and transport all the purge process fluid hazardous-waste-stream to a waste management unit that complies with the applicable requirements of Section 724.984 through 724.986 or a control device that complies with the requirements of Section 724.960.

c) In-situ sampling systems and sampling systems without purges are exempt from the requirements of subsections (a) and (b) of this Section.

(Source: Amended at 22 Ill. Reg. 606.4, effective 1/1/91.)

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Section 724.958 Standards: Pumps, Valves, Pressure Relief Devices and Other Connectors

- a) Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service and flanges and other connectors must be monitored within 5 days by the method specified in Section 724.963(b), if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method.
- b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
- c) Repairs
 - 1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 724.959.
 - 2) The first attempt at repair must be made no later than 5 calendar days after each leak is detected.
- d) First attempts at repair include, but are not limited to, the best practices described under Section 724.957(e).
- e) Any connector that is inaccessible or is ceramic or ceramic-lined (e.g., porcelain, glass, or glass-lined) is exempt from the monitoring requirements of subsection (a) of this Section and from the recording requirements of Section 724.964.

(Source: Amended at 22 Ill. Reg. 606.4, effective 1/1/91.)

Section 724.964 Recordkeeping Requirements

a) Lumping Units

- 1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.
 - 2) An owner or operator who has more than hazardous waste management units subject to the provisions of this Subpart must comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.
- Owner and operators shall record the following information in the facility operating record:

- 1) For each piece of equipment:
 - A) Equipment identification number and hazardous waste management unit identification.
 - B) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).
 - C) Type of equipment (e.g., a pump or pipeline valve).
 - D) Percent-by-weight total organics in the hazardous waste.

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- wastestream at the equipment.
- E) Hazardous waste state at the equipment (e.g., gas-vapor or liquid).
- F) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").
- 2) For facilities that then comply with the provisions of Section 724.933(a)(2), an implementation schedule as specified in that Section.
- 3) Where an owner or operator chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan as specified in Section 724.935(b)(3).
- 4) Documentation of compliance with Section 724.960, including the detailed design documentation or performance test results specified in Section 724.935(b)(4).
- c) When each leak is detected as specified in Sections 724.952, 724.953, 724.957 or 724.958, the following requirements apply:
- 1) A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with Section 724.958(a), and the date the leak was detected, must be attached to the leaking equipment.
 - 2) The identification on equipment except on a valve, may be removed after it has been repaired.
 - 3) The identification on a valve may be removed after it has been monitored for 2 successive months as specified in Section 724.957(c) and no leak has been detected during those 2 months.
- d) When each leak is detected as specified in Sections 724.952, 724.953, 724.957 or 724.958, the following information must be recorded in an inspection log and must be kept in the facility operating record:
- 1) The instrument and operator identification numbers and the equipment identification number.
 - 2) The date evidence of a potential leak was found in accordance with Section 724.958(a).
 - 3) The date the leak was detected and the dates of each attempt to repair the leak.
 - 4) Repair methods applied in each attempt to repair the leak.
 - 5) "Above 10,000", if the maximum instrument reading measured by the methods specified in Section 724.963(b) after each repair attempt is equal to or greater than 10,000 ppm.
 - 6) Repair delayed and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
 - 7) Documentation supporting the delay of repair of a valve in compliance with Section 724.959(c).
 - 8) The signature of the owner or operator (or designee) whose decision was that the repair could not be effected without a hazardous waste management unit shutdown.

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- 9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.
- 10) The date of successful repair of the leak.
- e) Design documentation and monitoring, operating and inspection information for each closed-vent system and control device required to comply with the provisions of Section 724.960 must be recorded and kept up-to-date in the facility operating record as specified in Section 724.935(c)(1) and (c)(2), and monitoring, operating and inspection information in Section 724.935(c)(3) through (c)(8).
- f) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the Agency shall specify the appropriate recordkeeping requirements, indicating proper operation and maintenance of the control device, in the RCRA permit.
- 9) The following information pertaining to all equipment subject to the requirements in Sections 724.952 through 724.960 must be recorded in a log that is kept in the facility operating record:
- 1) A list of identification numbers for equipment (except welded fittings) subject to the requirements of this Subpart.
 - 2) List of Equipment
 - A) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of Sections 724.952(e), 724.953(i) and 724.957(f).
 - B) The designation of this equipment as subject to the requirements of Section 724.952(e), 724.953(i) or 724.957(f) must be signed by the owner or operator.
 - 3) A list of equipment identification numbers for pressure relief devices required to comply with Section 724.954(a).
 - 4) Compliance tests.
 - A) The dates of each compliance test required in Sections 724.952(e), 724.953(i), 724.954 and 724.957(f).
 - B) The background level measured during each compliance test.
 - C) The maximum instrument reading measured at the equipment during each compliance test.
 - 5) A list of identification numbers for equipment in vacuum service.
 - 6) Identification, either by list or location (area or group), of equipment that contains or contacts hazardous waste with an organic concentration of at least 10% by weight for a period of less than 300 hours per year.
 - h) The following information pertaining to all valves subject to the requirements of Section 724.957(g) and (h) must be recorded in a log that is kept in the facility operating record:
 - 1) A list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve.

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- 2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.
- 3) The following information must be recorded in the facility operating record for each valve:
 - 1) A schedule of monitoring;
 - 2) The percent of valves found leaking during each monitoring period;
 - 3) The following information must be recorded in a log that is kept in the facility operating record:
 - 1) Criteria required in Sections 724.952(d)(5)(B) and 724.953(e)(2) and an explanation of the design criteria;
 - 2) Any changes to these criteria and the reasons for the changes;
 - 3) The following information must be recorded in a log that is kept in the facility operating record for use in determining exemptions as provided in Section 724.950 and other specific Subparts:
 - 1) An analysis determining the design capacity of the hazardous waste management unit;
 - 2) A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in Section 724.960 and an analysis determining whether these hazardous wastes are heavy liquids;
 - 3) An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in Sections 724.952 through 724.960. The record must include supporting documentation as required by Section 724.963(d)(3) when application of the knowledge of the nature of the hazardous wastewater or the process by which was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in the equipment, the equipment must not be subject to the requirements in Sections 724.952 through 724.960, then a new determination is required.

- 1) Records of the equipment leak information required by subsection (e) of this Section and the operating information required by subsection (f) of this Section need be kept only 3 years.
- m) The owner or operator of any facility that is subject to this Subpart V, and to regulations at 40 CFR 60, Subpart VV, or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to determine compliance with this Subpart by documentation either pursuant to Section 724.964, or pursuant to those provisions of 40 CFR 60 or 61, to the extent that the documentation under the regulation at 40 CFR 60 or 61 duplicates the documentation required under this Subpart. The documentation under the regulation at 40 CFR 60 or 61 must be kept with or made readily available with the facility operating record.

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(Source: Amended at 22 Ill. Reg. 692.111, effective 06/11/1996)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 724.980 Applicability

- a) The requirements of this Subpart apply, effective October 6, 1996, to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to 724. Subpart I, J, or K, except as Section 724.101 and subsection (b) of this Section below provide otherwise.
BOARD NOTE: USEPA adopted these regulations at 59 Fed. Reg. 62896 (Dec. 6, 1994), effective June 6, 1995. At 60 Fed. Reg. 26828 (May 19, 1995) and 60 Fed. Reg. 56952 (Nov. 13, 1995) and 61 Fed. Reg. 28508 (June 5, 1996), USEPA delayed the effective date until October 6, 1996. If action by USEPA or a decision of a federal court changes the effectiveness of these regulations, the Board does not intend that the 724. Subpart CC rules be enforceable to the extent that they become more stringent than the federal regulations upon which they are based.
- b) The requirements of this Subpart do not apply to the following waste management units at the facility:
 - 1) A waste management unit that holds hazardous waste placed in the unit before October 6, 1996, and in which no hazardous waste is added to the unit on or after this date.
 - 2) A container that has a design capacity less than or equal to 0.1 m(3) (31.5 ft(3) or 26.4 gal).
 - 3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
 - 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
 - 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is generated as the result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA section 3004(u), 3004(v) or 3008(h); CERCLA authorities; or similar federal or state authorities.
 - 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act (42 U.S.C. 2011 et seq.) and the Nuclear Waste Policy Act.
 - 7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean

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Air Act regulation codified under 40 CFR 60.61, or 63. For the purpose of complying with this subsection (b)(1), a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with enclosure and control device requirements of Section 724.984(1), except as provided in Section 724.982(C)(5).

8) A tank that has a process vent, as defined in 35 Ill. Adm. Code 724.931.

c) For the owner and operator of a facility subject to this Subpart and who receives a final RCRA Permit Prior to October 6, 1996, the requirements of this Subpart shall be incorporated into the permit when the permit is renewed or renewed, modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705. Until such date when the owner and operator receives a final permit incorporating the requirements of this Subpart, the owner and operator is subject to the requirements of 35 Ill. Adm. Code 725 Subpart CC.

d) The requirements of this Subpart, except for the recordkeeping requirements specified in Section 724.989(1), are stayed for a tank or container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations, when the owner or operator of the unit meets all of the following conditions:

1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purposes of this subsection, "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural ~~structural~~ derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

2) The owner or operator prepares documentation, in accordance with Section 724.989(1), explaining why an undue safety hazard would be created if air emission controls specified in Sections 724.984 through 724.987 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section above.

3) The owner or operator notifies the Agency in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section above are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2) of this

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Section above. The notification must state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

(Source: Amended at 22 Ill. Reg. 6 3 7, effective 11/1/91.)

Section 724.982 Standards: General

a) This Section applies to the management of hazardous waste in tanks, surface impoundments and containers subject to this Subpart. The owner or operator shall control air emissions from each waste management unit in accordance with standards specified in Section 724.984 through 724.987, as applicable to the waste management unit, except as provided for in subsection (c) of this Section below.

c) A tank, surface impoundment, or container waste-management-unit is exempt ~~exempt~~ from standards specified in Sections 724.984 through 724.987, as applicable, provided that all hazardous waste placed in the waste management unit is one ~~determined-by-the-owner-or-operator~~ **to-meet-either** of the following conditions:

1) A tank, surface impoundment, or container for which all the ~~average-VOC-concentration-of-the~~ **average-VOC-concentration** of the hazardous waste entering the unit has an average VOC concentration at the point of waste origination of ~~is less than 500469 parts per million by weight (ppmw)~~. The average VOC concentration shall be determined by the procedures specified in Section 724.983(a). The owner or operator shall review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit.

2) A tank, surface impoundment, or container for which the ~~the~~ organic content of all the hazardous waste entering the waste management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions:

A) The process removes or destroys the organics contained in the hazardous waste to a level such that the average VOC concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C_{it}) established for the process. The average VOC concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process shall be determined using the procedures specified in Section 724.983(b).

B) The process removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than ~~95 percent~~, and the average VOC concentration of the hazardous waste at the point of waste treatment is

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less than 10050 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in Section 724.983(b).

- C) The process removes or destroys the organics contained in the process waste to such a level, such that the actual organic mass removal rate (MR) for the process is equal to or greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process must ~~shall~~ be determined using the procedures specified in Section 724.983(b).

- D) The process is a biological process that destroys or degrades the organics contained in the hazardous waste so that either of the following conditions is met:

- i) The organic reduction efficiency (R) for the process is equal to or greater than 95% percent, and the organic biodegradation efficiency (Rbio) for the process is equal to or greater than 95% percent. The organic reduction efficiency and the organic biodegradation efficiency for the process shall be determined using ~~in--accordance--with~~ the procedures specified in Section 724.983(b).

- ii) The total actual organic mass biodegradation rate (MRbio) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process shall be determined using the procedures specified in Section 724.983(b).

- E) The process removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:

- a) All ~~of--the--materials--entering--the--process--are~~ hazardous wastes;

- ii) From the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is continuously managed in waste management units that which use air emission controls in accordance with the standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.

- iii) From the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other

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closed system transfer that does not allow exposure of the waste to the atmosphere.

BOARD NOTE: The USFPA considers a drain system that meets the requirements of 40 CFR 63, subpart H2, "National Emission Standards for Individual Drain Systems", to be a closed system.

- iii) The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination, determined for each of the individual hazardous waste streams entering the process, or 500 100 ppmw, whichever value is lower. The average VO concentration of each individual hazardous waste stream at the point of waste origination shall be determined using the procedures ~~procedure~~ specified in Section 724.983(a). The average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures ~~procedure~~ specified in Section 724.983(b).

- F) A process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95% and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams entering the process is less than 10,000 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination shall be determined using the procedures specified in Section 724.983(b) and Section 724.983(a).

- G) A hazardous waste incinerator for which either of the following conditions is true ~~owner-or-operator-has-either~~:

- i) The owner or operator has been ~~been~~ issued a final permit under 35 Ill. Adm. Code 702.703 and 705; that implements ~~and--designs--and--operates--the--unit--in~~ accordance with the requirements of 35 Ill. Adm. Code 726724, Subpart H0; or

- ii) The owner or operator has designed and operates the incinerator in accordance ~~Has--certified--compliance~~ with the interim status requirements of 35 Ill. Adm. Code 725, Subpart O.

- H) A boiler or industrial furnace for which either of the following conditions is true ~~owner-or-operator-has-either~~:

- i) The owner or operator has been ~~been~~ issued a final permit under 35 Ill. Adm. Code 702.703 and 705; that implements ~~and--designs--and--operates--the--unit--in~~ accordance with the requirements of 35 Ill. Adm. Code

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726.Subpart H; or

1) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the certified-compliance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.

1) For the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of subsections (c)(2)(A) through (c)(2)(F) of this Section, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration:

1) If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is used for the analysis, one-half the blank value determined in the method.

1) If any other analytical method is used, one-half the limit of detection established for the method.

3) A tank used for biological treatment of hazardous waste in accordance with the requirements of subsection (c)(2)(D) of this Section.

4) A tank, surface impoundment, or container for which all hazardous waste placed in the unit fulfills either of the following conditions:

A) It means the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified in 35 Ill. Adm. Code 728.Table 17, or

B) It has been treated by the treatment technology established by USEPA for the waste in 35 Ill. Adm. Code 728.142(a)7, or treated by an equivalent method of treatment approved by the Agency pursuant to 35 Ill. Adm. Code 728.142(b).

5) A tank used to fill bulk feed of hazardous waste into an incinerator and all of the following conditions are met:

A) The tank is located inside a building designed to control device that is designed and operated in accordance with all applicable requirements specified under 40 CFR 61, subpart FF, "National Emission Standards for Benzene Waste Operations", incorporated by reference in 35 Ill. Adm. Code 720.111, for a facility at which the total benzene quantity from the facility waste is equal to or greater than 10 megagrams (11 tons) per year;

B) The enclosure and control device serving the tank were installed and began operation prior to November 25, 1996; and

C) The enclosure is designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix

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B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical or electrical equipment; or to direct air flow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" annually.

d) When a process is used for the purpose of treating a hazardous waste to meet one of the sets of conditions specified in subsections (c)(1)(A) through (c)(1)(F) above, each material removed from or existing the process that is not a hazardous waste but which has an average VO concentration equal to or greater than 100 ppmw shall be managed in a waste management unit in accordance with the requirements of subsection (b) above.

(e) The Agency may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container that is exempted from using air emission controls under the provisions of this Section as follows:

1) The waste determination for average VO concentration of a hazardous waste at the point of waste origination shall be performed using direct measurement in accordance with the applicable requirements of Section 724.987(a). The waste determination for a hazardous waste at the point of waste treatment shall be performed in accordance with the applicable requirements of Section 724.983(b).

2) In performing a waste determination pursuant to subsection (d)(1) of this Section, the sample preparation and analysis shall be conducted as follows:

A) In accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in subsection (d)(2)(B) of this Section.

B) If the Agency determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in the tank, surface impoundment, or container, then the Agency may choose an appropriate method.

3) Where the owner or operator is requested to perform the waste determination, the Agency may elect to have an authorized representative observe the collection of the hazardous waste samples used for the analysis.

4) Where the results of the waste determination performed or requested by the Agency do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (d)(1) of this Section shall be used to establish

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compliance with the requirements of this Subpart.

54) Where the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Agency may elect to establish compliance with this Subpart by performing or requesting that the owner or operator perform a waste determination using direct measurement based on waste samples collected within a one-hour period as follows:

A) The average VO concentration of the hazardous waste at the point of waste origination shall be determined by direct measurement in accordance with the requirements of Section 724.983(a).

B) Results of the waste determination performed or requested by the Agency showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ppmw shall constitute noncompliance with this Subpart, except in a case as provided for in subsection (d)(5) of this Section below.

C) Where the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 500 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for a given one-hour period is equal to or greater than 500 ppmw, the Agency may elect to establish compliance with this Subpart by performing or requesting that the owner or operator determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of Section 724.983(a) and Section 724.989 shall be considered by the Agency together with the results of the waste determination performed or requested by the Agency in establishing compliance with this Subpart.

(Source: Amended at 22 Ill. Reg. 6, effective 1/1/84)

Section 724.983 Waste Determination Procedures

a) Waste determination procedure for average volatile organic (VO) concentration of a hazardous waste at the point of waste origination.

1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit ~~units~~ exempted under the provisions of Section 724.982(c)(1) from using air emission controls in accordance with standards specified in Section 724.984 through

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Section 724.987, as applicable to the waste management unit.

2) The average VO concentration of a hazardous waste at the point of waste origination may ~~be a hazardous waste~~ ~~shall be determined~~ in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(a)(2) through (a)(46).

b) Waste determination procedures for treated hazardous waste.

1) An owner or operator shall perform the applicable waste determinations for each treated hazardous waste placed in a waste management unit ~~units~~ exempted under the provisions of Section 724.982(c)(2) from using air emission controls in accordance with standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.

2) The waste determination for a treated hazardous waste shall be performed in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(b)(2) through (b)(9), as applicable to the treated hazardous waste.

c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank ~~tanks~~ using Tank Level 1 air-emission controls in accordance with standards specified in Section 724.984(c).

2) The maximum organic vapor pressure of the hazardous waste may be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(c)(2) through (c)(4).

d) The procedure for determining no detectable organic emissions for the purpose of complying with this Subpart must be conducted in accordance with the procedures specified in 40 CFR 265.984(d).

(Source: Amended at 22 Ill. Reg. 6, effective 1/1/84)

Section 724.984 Standards: Tanks

a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 724.982(b) references the use of this Section for such air emission control.

b) The owner or operator shall control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:

1) For a tank that manages hazardous waste that meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c) of this Section or the Tank Level 2 controls specified in subsection (d) of this Section.

A) The hazardous waste in the tank has a maximum organic vapor

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pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category as follows:

- i) For a tank design capacity equal to or greater than 151 m³ (39,900 gal), the maximum organic vapor pressure limit for the tank is 5.2 kpa (0.75 psig).
- ii) For a tank design capacity equal to or greater than 75 m³ (19,800 gal), but less than 151 m³ (39,900 gal), the maximum organic vapor pressure limit for the tank is 27.6 kpa (4.00 psig).
- iii) For a tank design capacity less than 75 m³ (19,800 gal), the maximum organic vapor pressure limit for the tank is 76.6 kpa (11.1 psig).
- B) The hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous waste is determined for the purpose of complying with subsection (b)(1)(A) of this Section.
- C) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process, as defined in 35 Ill. Adm. Code 725.981.

- 2) For a tank that manages hazardous waste that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of subsection (d) of this Section. Examples of tanks required to use Tank Level 2 controls include a tank used for a waste stabilization process and a tank for which the hazardous waste in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category as specified in subsection (b)(1)(A) of this Section.

- c) Owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls must meet the requirements specified in subsections (c)(1) through (c)(4) of this Section:

- 1) The owner or operator shall determine the maximum organic vapor pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 724.983(c). Thereafter, the owner or operator shall perform a new determination whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in subsection (b)(1)(A) of this Section, as applicable to the tank.

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- 2) The tank must be equipped with a fixed roof designed to meet the following specifications:

- A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).
- B) The fixed roof must be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.
- C) Each opening in the fixed roof must be either:
 - i) Equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or
 - ii) Connected by a closed-vent system that is vented to a control device. The control device must remove or destroy organics in the vent stream, and it must be operating whenever hazardous waste is managed in the tank.
- D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: the organic vapor permeability; the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.
- 3) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:
 - A) Opening of closure devices or removal of the fixed roof is allowed at the following times:
 - i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment.

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Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

- ii) To remove accumulated sludge or other residues from the bottom of the tank.

B) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal tank temperature fluctuations.

- C) Opening of safety devices, as defined in 35 Ill. Adm. Code 725.981, is allowed when the conditions require doing so to avoid an unsafe condition.

- 4) The owner or operator shall inspect the air emission control equipment in accordance with the following requirements.

A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall, broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- B) The owner or operator shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except under the special conditions provided for in subsection (1) of this Section.

- C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the

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Requirements of subsection (k) of this Section.

- D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

- d) Owners and operators controlling air pollutant emissions from a tank using Tank Level 2 controls must use one of the following tanks:

1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e) of this Section;

2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f) of this Section;

3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g) of this Section;

4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h) of this Section; or

5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i) of this Section.

- e) The owner or operator that controls air pollutant emissions from a tank using a fixed roof with an internal floating roof shall meet the requirements specified in subsections (e)(1) through (e)(3) of this Section.

1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:

A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:

i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 725.981; or

ii) Two continuous seals mounted one above the other. The lower seal may be a vapor-mounted seal.

- C) The internal floating roof must meet the following specifications:

i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.

ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells,

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- and stub drains.
- iii) Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90% of the opening.
- iv) Each automatic bleeder vent and rim space vent must be gasketed.
- v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.
- vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.
- 2) The owner or operator shall operate the tank in accordance with the following requirements:
- a) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
- b) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
- c) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents must be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.

3) The owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:

- A) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following: when the internal floating roof is not floating on the surface of the liquid inside the tank; when liquid has accumulated on top of the internal floating roof; when any portion of the roof or seals have detached from the roof rim; when holes, tears, or other openings are visible in the seal fabric; when the gaskets no longer close off the hazardous waste surface from the atmosphere; or when the slotted membrane has more than 10% open area.
- B) The owner or operator shall inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C) of this Section:
- i) Visually inspect the internal floating roof components through openings on the fixed-roof (e.g., manholes and roof hatches) at least once every 12 months after

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- initial fill, and
- ii) Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least once every 10 years.
- C) As an alternative to performing the inspections specified in subsection (e)(3)(B) of this Section for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.
- D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:
- i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned, as provided for in subsection (e)(3)(D)(ii) of this Section.
- ii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.
- E) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.
- F) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 721.999(b).
- 5) The owner or operator that controls air pollutant emissions from a

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tank using an external floating roof must meet the requirements specified in subsections (1)(1) through (1)(2) of this Section.

1) The design and construction of a floating roof in accordance with the following requirements:

- A) The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.
- B) The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

1) The primary seal must be a liquid-mounted seal of a metallic shoe seal, as defined in 35 Ill. Adm. Code 725.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm²) per meter (10.0 square inches (in²) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm) (1.5 in). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 cm (24 in) above the liquid surface.

1) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must not exceed 212 square centimeters (cm²) per meter (10.0 in² per foot) of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm (0.5 in).

C) The external floating roof must meet the following specifications:

- 1) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a projection below the liquid surface.
- 1) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid.
- 1) Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position.
- 1) Each automatic bleeder vent and each rim space vent must be equipped with a gasket.
- 1) Each roof drain that empties into the liquid managed

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in the tank must be equipped with a slotted membrane fabric cover that covers at least 90% of the area of the opening.

- v) Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible cover that meets the following requirements:
- vii) Each unslotted guide pole must be equipped with a gasketed cap on the end of the pole.
- viii) Each slotted guide pole must be equipped with a gasketed float or other device which closes off the liquid surface from the atmosphere.
- ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.

2) The owner or operator shall operate the tank in accordance with the following requirements:

- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
- B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access. Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position. Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
- C) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.
- D) The cap on the end of each unslotted guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.
- E) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access.
- F) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.
- 3) The owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows:
 - A) The owner or operator shall measure the external floating roof seal gaps in accordance with the following requirements:
 - 1) The owner or operator shall perform measurements of

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- (11) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this section.
- (12) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724 and (1).
- (c) Prior to each inspection required by subsection (1)(1)(A) or (1)(1)(B), the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:
- 1) Prior to each inspection to measure external floating roof seal gaps, a required under subsection (1)(1)(A) of this section, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 10 calendar days before the date the measurements are scheduled to be performed.
 - 11) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 10 calendar days before refilling the tank, except when an inspection is not planned as provided for in subsection (1)(1)(C)(11) of this section.
 - 111) When a visual inspection is not planned and the owner or operator could not have known about the inspection 10 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including an explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.
- (d) Procedure for determining the total surface area of gaps in the primary seal and the secondary seal:
- 1) The seal gap measurements must be performed at one or more floating roof levels when the roof is floating off the tank supports.
 - 11) Seal gaps, if any, must be measured around the entire perimeters of the floating roof in each place where a perimeter of 0.125 m diameter uniform probe passes freely (without forcing or binding against the seal)

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- gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.
- (11) The owner or operator shall perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year.
- (111) If a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank must be considered an initial operation for the purposes of subsection (1)(1)(A)(1) and (1)(1)(A)(11) of this section.
- (12) The owner or operator shall determine the total surface area of gaps in the primary seal and in the secondary seal and visually verify the presence of subsection (1)(1)(D) of this section.
- (e) In the event that the seal gap measurement does not conform to the requirements of subsection (1)(1)(D) of this section, the owner or operator shall:
- 1) Repair the defect in accordance with the requirements of subsection (k) of this section.
 - 11) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724 and (1).
- (f) The owner or operator shall visually inspect the external floating roof in accordance with the following requirements:
- 1) The floating roof and its closure device must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions, leaks, including but not limited to, any of the following conditions: broken, tears, or other openings in a rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatchways or access covers, caps, or other closure devices.
 - 11) The owner or operator shall perform an initial inspection of the external floating roof and its closure device on or before the date that the tank becomes subject to this section. Thereafter, the owner or operator shall perform this inspection at least once every year, except for the special conditions provided for in subsection (1) of this section.

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between the seal and the wall of the tank and measure the circumferential distance of each such location.

- iii) For a seal gap measured under subsection (f)(3) of this Section, the gap surface area must be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

- iv) The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal perimeter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type, as specified in subsection (f)(1)(B) of this Section.

BOARD NOTE: Subsections (f)(3)(D)(1) through (f)(3)(D)(4) correspond with 40 CFR 264.1084(f)(3)(1) through (f)(3)(1)(D)(4), which the Board has codified here to comport with Illinois Administrative Code format and numbering.

- g) The owner or operator shall submit and maintain emissions from a tank by venting the tank to a control device shall meet the requirements specified in subsections (g)(1) through (g)(3) of this Section.

- 1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

- A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.

- B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.

- C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical,

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and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

- D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

- 2) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device except as follows:

- A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:

- i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed in the normal operation. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

- ii) To remove accumulated sludge or other residues from the bottom of a tank.

- B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.987, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

- A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following: visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.987.

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- C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (1) of this Section.
- D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.
- E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.987(b).
- H) The owner or operator that controls air pollutant emissions by using a pressure tank must meet the following requirements:
- 1) The tank must be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity;
 - 2) All tank openings to the atmosphere with source devices designed to operate at pressures detected in Section 724.983(d), as required by this Section, shall be closed;
 - 3) Whenever a hazardous waste is in the tank, the tank must be operated as a closed system that does not vent to the atmosphere except in the event that a safety device, as defined in 35 Ill. Adm. Code 725.981, is required to open to avoid an unsafe condition.
- I) The owner or operator that controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device must meet the requirements specified in subsections (1)(1) through (1)(4) of this Section:
- 1) The tank must be located inside an enclosure. The enclosure must be designed and located in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure, as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure", initially when the enclosure is first installed and thereafter, annually.
 - 2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 724.987.

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- 3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of subsections (1)(1) and (1)(2) of this Section.
- 4) The owner or operator shall inspect and monitor the closed-vent system and control device as specified in Section 724.987.
- J) The owner or operator shall transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:
- 1) Transfer of hazardous waste, except as provided in subsection (1)(2) of this Section, to the tank from another tank subject to this Section or from a surface impoundment subject to Section 724.985, by means of a closed-vent system, including a closed-vent system that does not allow exposure of the hazardous waste to the atmosphere for the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 61, subpart BB, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111. The requirements of subsection (1)(1) of this Section do not apply when transferring a hazardous waste to the tank under any of the following conditions:
 - A) The hazardous waste meets the average VO concentration conditions specified in Section 724.982(c)(1) at the point of waste origination.
 - B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 724.982(c)(2).
 - K) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(4), (e)(3), or (g)(3) of this Section, as follows:
 - 1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (k)(2) of this Section.
 - 2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.
 - L) Following the initial inspection and monitoring of the cover, as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:

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- 2) transfer all hazardous waste from the tank to another tank surface impoundment or container subject to this Subpart except for those hazardous wastes that meet the conditions specified in Section 724.982(c);
- 6) Each cover opening shall be secured in a closed, sealed position (e.g., covered by a gasketed lid) at all times that hazardous waste is in the tank except when it is necessary to use the cover opening to:
- Add, remove, inspect, or sample the material in the tank;
 - Inspect, maintain, repair, or replace equipment located inside the tank; or
 - Vent gases or vapors from the tank to a closed vent system connected to a control device that is designed and operated in accordance with the requirements of Section 724.987.
- g) One or more safety devices that vent directly to the atmosphere may be used on the tank cover closed vent system or control device provided each safety device meets all of the following conditions:
- The safety device is not used for planned or routine venting of organic vapors from the tank or closed vent system connected to a control device; and
 - The safety device remains in a closed, sealed position at all times except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the tank cover, closed vent system, or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive, or other hazardous materials. An example of an unplanned event is a sudden power outage.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 724.985 Standards: Surface Impoundments

- The provisions of this Section apply to the control of air pollutant emissions from surface impoundments for which Section 724.982(b) references the use of this Section for such air emission control.
- The owner or operator shall control air pollutant emissions from the surface impoundment by installing and operating either of the following:
 - A floating membrane cover in accordance with the provisions specified in subsection (c) of this Section; or
 - A cover that is vented through a closed vent system to a control device in accordance with the provisions specified in subsection (d) of this Section.
- The owner or operator that controls air pollutant emissions from a surface impoundment using a floating membrane cover must meet the requirements specified in subsections (c)(1) through (c)(3) of this Section.

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- The surface impoundment must be equipped with a floating membrane cover designed to meet the following specifications:
 - The floating membrane cover must be designed to float on the liquid surface during normal operations and form a continuous barrier over the entire surface area of the liquid.
 - The cover must be fabricated from a synthetic membrane material that is either:
 - High density polyethylene (HDPE) with a thickness no less than 2.5 millimeters (mm) (0.098 in.); or
 - A material or a composite of different materials determined to have both organic permeability properties that are equivalent to those of the material listed in subsection (c)(1)(B)(i) of this Section and chemical and physical properties that maintain the material integrity for the intended service life of the material.
 - The cover must be installed in such a manner that there are no visible cracks, holes, gaps, or other open spaces between cover section seams or between the interface of the cover edge and its foundation mountings.
 - Except as provided for in subsection (c)(1)(E) of this Section, each opening in the floating membrane cover must be equipped with a closure device so designed as to operate that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device.
 - The floating membrane cover may be equipped with one or more emergency cover drains for removal of stormwater. Each membrane cover drain must be equipped with a slotted membrane fabric cover that covers at least 90% of the area of the opening or a flexible fabric sleeve seal.
 - The closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the floating membrane cover is installed.
- Whenever a hazardous waste is in the surface impoundment, the floating membrane cover must float on the liquid and each closure device must be secured in the closed position, except as follows:

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- A) Opening of closure devices or removal of the cover is allowed at the following times:
- 1) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly replace the cover and secure the closure device in the closed position, as applicable.
 - 2) To remove accumulated sludge or other residues from the bottom of surface impoundment.
- B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.
- 3) The owner or operator shall inspect the floating membrane cover in accordance with the following procedures:
- A) The floating membrane cover and its closure devices must be visually inspected by the owner or operator to check for defects that could result in liquid or pollutant releases. Defects include, but are not limited to visible tears, holes, or gaps in the cover, section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.
 - B) The owner or operator shall perform an initial inspection of the floating membrane cover and its closure devices on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.
 - C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (f) of this Section.
 - D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(C).
- D) The owner or operator that controls air pollutant emissions from a surface impoundment using a cover vented to a control device shall meet the requirements specified in subsections (d)(1) through (d)(3) of this Section.
- 1) The surface impoundment must be covered by a cover and vented directly through a closed-vent system to a control device in accordance with the following requirements:

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- A) The cover and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the surface impoundment.
- B) Each opening in the cover not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the cover is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the cover is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions using the procedure specified in Section 724.983(d).
- C) The cover and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the cover and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the cover and closure devices must include the following: the organic liquid's vapor permeability; the effects of any contact with the liquid or its vapors, managed in the surface impoundment; the effects of outdoor exposure to wind, rain, sleet, and sunlight; and the operating practices used for the surface impoundment on which the cover is installed.
- D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.
- E) Whenever a hazardous waste is in the surface impoundment, the cover must be installed with each closure device secured in the closed position and the vapor headspace underneath the cover vented to the control device except as follows:
 - A) Venting to the control device is not required, and opening of closure devices or removal of the cover is allowed at the following times:
 - 1) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly

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secure the closure device in the closed position or reinstall the cover, as applicable, to the surface impoundment.

- ii) To remove accumulated sludge or other residues from the bottom of surface impoundment.

B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

2) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

- A) The surface impoundment cover and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.987.

C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.

D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (f) of this Section.

E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.991(c).

e) The owner or operator shall transfer hazardous waste to a surface impoundment subject to this Section in accordance with the following requirements:

- 1) Transfer of hazardous waste, except as provided in subsection (e)(2) of this Section, to the surface impoundment from another surface impoundment subject to this Section or from a tank subject to Section 724.984 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63, Subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111.

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2) The requirements of subsection (e)(1) of this Section do not apply when transferring a hazardous waste to the surface impoundment under either of the following conditions:

- A) The hazardous waste meets the average VO concentration conditions specified in Section 724.982(c)(1) at the point of waste origination.

B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 724.982(c)(2).

f) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(3) or (d)(3) of this Section as follows:

- 1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (f)(2) of this Section.

2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the surface impoundment and no alternative capacity is available at the site to accept the hazardous waste normally managed in the surface impoundment. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the surface impoundment stops operation. Repair of the defect must be completed before the process or unit resumes operation.

g) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year in the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions. In this case, the owner or operator may designate the cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

- 1) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.

2) Develop and implement a written plan and schedule to inspect and monitor the cover using the procedures specified in the applicable Section of this Subpart as frequently as practicable during those times when a worker can safely access the cover.

e) This Section applies to owners and operators of surface impoundments subject to this Subpart into which any hazardous waste is placed except for the following surface impoundments:

- i) A surface impoundment in which all hazardous waste entering the surface impoundment meets the conditions specified in Section 724.982(c) or

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- 2) A surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of Section 724.981(c)(2)(B);
- b) The owner or operator shall place the hazardous waste into a surface impoundment equipped with a cover (e.g., an air-supported structure or a rigid cover) that is vented through a closed vent system to a control device meeting the requirements specified in subsection (c).
- c) As an alternative to complying with subsection (b), above, an owner or operator may place hazardous waste in a surface impoundment equipped with a floating membrane cover meeting the requirements specified in subsection (e) below when the hazardous waste is determined to meet all of the following conditions:
- 1) The hazardous waste is not mixed, stirred, agitated, or circulated within the surface impoundment by the owner or operator using a process that results in splashing, frothing, or visible turbulent flow on the waste surface during normal process operations;
 - 2) The hazardous waste in the surface impoundment is not heated by the owner or operator; and
 - 3) The hazardous waste is not treated by the owner or operator using a waste stabilization process or a process that produces an exothermic reaction.
- d) To comply with subsection (b)(1), above, the owner or operator shall design, install, operate, and maintain a cover that vents the organic vapors emitted from hazardous waste in the surface impoundment through a closed vent system connected to a control device:
- 1) The cover shall be designed and operated to meet the following requirements:
 - A) The cover and all cover openings (e.g., access hatches, sampling ports, and gauge wells) shall be designed to operate with no detectable organic emissions when all cover openings are secured in a closed, sealed position;
 - B) Each cover opening shall be secured in the closed, sealed position by a gasketed lid or cap at all times that hazardous waste is in the surface impoundment, except as provided for in subsection (f); below impingement;
 - C) The closed vent system and control device shall be designed and operated in accordance with Section 724.987;
 - 2) To comply with subsection (c), above, the owner or operator shall design, install, operate, and maintain a floating membrane cover that meets all of the requirements specified in 35-III-Adm-Code 725.986(e)(1) through (e)(4);
- e) The owner or operator shall install, operate, and maintain enclosed pipes or other closed systems to:
- BOAIB-NOTE: U.S.-EPA considers a drain system that meets the requirements of 40-CFR-61.346(b)(1) or (b)(1) through (b)(3) to be a closed system. The Board intends that this meaning be included in 725.986(e)(1) through (e)(4).
- f) The owner or operator shall control air pollutant emissions from

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- the use of that term for the purposes of this Subpart:
- 1) Transfer all hazardous waste to the surface impoundment from another tank, surface impoundment, or container subject to this Subpart, except for those hazardous wastes that meet the conditions specified in Section 724.982(c); and
 - 2) Transfer all hazardous waste from the surface impoundment to another tank, surface impoundment, or container subject to this Subpart, except for those hazardous wastes that meet the conditions specified in Section 724.982(c);
- g) Each cover opening shall be secured in the closed, sealed position (e.g., a cover by a gasketed lid or cap) at all times that hazardous waste in the surface impoundment except when it is necessary to use the cover opening for:
- 1) Add, remove, inspect, or sample the material in the surface impoundment;
 - 2) Inspect, maintain, repair, or replace equipment located underneath the cover;
 - 3) Remove treatment residues from the surface impoundment in accordance with the requirements of 35-III-Adm-Code 728.4; or
 - 4) Vent gases or vapors from the surface impoundment to a closed vent system connected to a control device that is designed and operated in accordance with the requirements of Section 724.987.
- h) One or more safety devices that vent directly to the atmosphere may be installed on the cover, closed vent system, or control device provided each device meets all of the following conditions:
- 1) The safety device is not used for planned or routine venting of organic vapors from the surface impoundment or the closed vent system connected to a control device; and
 - 2) The safety device remains in a closed, sealed position at all times, except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the cover, closed vent system, or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive, or other hazardous materials. An example of an unplanned event is a sudden power outage.
- (Source: Amended at 22 Ill. Reg. _____, effective _____)
- Section 724.986 Standards: Containers
- a) The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 721.982(b) references the use of this Section for such air emission control.
 - b) General requirements.
 - 1) The owner or operator shall control air pollutant emissions from

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each container subject to this Section in accordance with the following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in subsection (b)(2) of this Section apply to the container:

- A) For a container having a design capacity greater than 0.1 m(3), (26 gal) and less than or equal to 0.46 m(3) (120 gal), the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.
 - B) For a container having a design capacity greater than 0.46 m(3), (120 gal) that is not in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.
 - C) For a container having a design capacity greater than 0.46 m(3), (120 gal) that is in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d) of this Section.
- 2) When a container having a design capacity greater than 0.1 m(3) (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) of this Section at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.

c) Container Level 1 standards.

- 1) A container using Container Level 1 controls is one of the following:

A) A container that meets the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation, as specified in subsection (f) of this Section.

B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).

C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container such that no hazardous waste is exposed to the

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atmosphere. One example of such a barrier is application of a suitable granular non-suppressing foam.

2) A container used for the purposes of subsection (c)(1)(B) or (c)(1)(C) of this Section must be equipped with covers and closure devices as applicable to the container that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or covering material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.

3) Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:

- A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:
 - i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.
 - ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.
- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:
 - i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill.

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Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

- (i) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

- (c) Opening of a closure device or cover is allowed when access other than transfer of hazardous waste. Examples of such activities include the removal of a batch material to open a container, the opening of a container to inspect the contents, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

- (d) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

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- (E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- (4) The owner or operator of containers using Container Level 1 controls shall inspect the containers and their covers and closure devices as follows:

- (A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied (i.e., does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)) within 24 hours after the container is accepted at the facility, the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

- (B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter at least every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

- (C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

- (5) The owner or operator shall maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m³ (120 gal) or greater, which do not meet applicable DOT regulations, as specified in subsection (f) of this Section, are not managing hazardous waste in light material service.

- (d) Container Level 2 standards.
- 1) A container using Container Level 2 controls is one of the following:

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A) A container that meets the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation as specified in subsection (f) of this Section.

B) A container that operates with no detectable organic emissions, as defined in 35 Ill. Adm. Code 725.981, and determined in accordance with the procedure specified in subsection (q) of this Section.

C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 CFR 60, appendix A, Method 27, incorporated by reference in 35 Ill. Adm. Code 720.111, in accordance with the procedure specified in subsection (h) of this Section.

2) Transfer of hazardous waste in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that the USPA considers to meet the requirements of this subsection (d)(2) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

3) Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator shall install all covers and closure devices for the container, and secure and maintain each closure device in the closed position, except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

i) In the case when the container is filled to the intended final level during one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to

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the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

i) For the purpose of meeting the requirements of this Section, an empty container as defined in 35 Ill. Adm. Code 721.107(b) may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, when a worker needs to open a port to attach or detach equipment to the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the covers, as applicable to the container.

D) Opening of a spring-loaded pressure-vacuum relief valve, observation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal

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pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 2 controls shall inspect the containers and their covers and closure devices as follows:

A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied (i.e., does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 724.10(b)), within 24 hours after the container arrives at the facility, the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If

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repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

E) Container Level 3 standards.

1) A container using Container Level 3 controls is one of the following:

A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B) of this Section.

B) A container that is vented inside an enclosure which is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B) of this Section.

2) The owner or operator shall meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:

A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure, thereafter, annually, when the enclosure is first placed into operation.

B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1) of this Section.

4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart shall inspect and monitor the closed-vent systems and control devices as specified in Section 724.987.

5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart shall prepare and maintain the records specified in Section 724.989(d).

F) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A) of this Section, containers must be used that meet the applicable U.S.

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Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation as follows:

- 1) The container meets the applicable requirements specified in 49 CFR 178, "Specifications for Packaging", or 49 CFR 179, "Specifications for Tank Cars", both incorporated by reference in 35 Ill. Adm. Code 720.111.
- 2) Hazardous waste is managed in the container in accordance with the applicable requirements specified in 49 CFR 107, Subpart B, "Exemptions", 49 CFR 177, "Hazardous Materials Table, Special Provisions", Hazardous Materials Communications, Emergency Response Information, and Training Requirements"; 49 CFR 173, "Shippers-General Requirements for Shipments and Packages"; and 49 CFR 180, "Continuing Qualification and Maintenance of Packagings", each incorporated by reference in 35 Ill. Adm. Code 720.111.
- 3) For the purpose of complying with this Subpart, no exceptions to the 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4) of this Section.
- 4) For a lab pack that is managed in accordance with the requirements of 49 CFR 178, incorporated by reference in 35 Ill. Adm. Code 720.111, for the purpose of complying with this Subpart, an owner or operator may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b).
- 9) The owner or operator shall use the procedure specified in Section 724.93(d) for determining a container operates with no detectable organic emissions for the purpose of complying with subsection (d)(1)(B) of this Section.
 - 1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with containers include, but are not limited to, the following: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seal interface on a preloaded pressure device valve.
- 2) The container must be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.
 - a) Procedure for determining a container to be vapor-tight using Method 27 of 40 CFR 60, appendix A for the purpose of complying with subsection (d)(1)(C) of this Section.
 - 1) The test must be performed in accordance with Method 27 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

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- 2) A pressure measurement device must be used that has a precision of .2.5 mm (0.098 in) water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.
- 3) If the test results determined by Method 27 indicate that the container sustains a pressure change less than or equal to 750 Pascals (0.11 psig) within five minutes after it is pressurized to a minimum of 4,500 Pascals (0.65 psig), then the container is determined to be vapor-tight.
- a) This Section applies to the owners and operators of containers having design capacities greater than 0.1 m³ (3.5 ft³) or 26.4 gal subject to this Subpart into which any hazardous waste is placed except for a container in which all hazardous waste entering the container meets the conditions specified in Section 724.93(c).
 - a) An owner or operator shall manage hazardous waste in containers using the following procedures:
 - 1) The owner or operator shall place the hazardous waste into one of the following containers except when a container is used for hazardous waste treatment as required by subsection (b)(2) below:
 - A) A container that is equipped with a cover which operates with no detectable organic emissions when all container openings (e.g., lids, bungs, hatches, and sampling ports) are secured in a closed, sealed position; the owner or operator shall determine that a container operates with no detectable emissions by testing each opening on the container for leaks in accordance with Method 21 in 40 CFR 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111; the first time any portion of the hazardous waste is placed into the container; if a leak is detected and cannot be repaired immediately, the hazardous waste shall be removed from the container and the container not used to receive the waste until the requirements of this subsection until the leak is repaired and the container is retested.
 - B) A container having a design capacity less than or equal to 0.45 m³ (16.2 ft³) or 132 gal that is shipped with a cover and complies with all applicable requirements of transportation regulations on packaging hazardous waste for transport under 49 CFR Part 178, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 1) A container that is managed in accordance with the requirements of 49 CFR Part 178, incorporated by reference in 35 Ill. Adm. Code 720.111, for the purpose of complying with this Subpart is not subject to any exceptions to the 49 CFR Part 178 regulations except as noted in subsection (b)(1)(i) below.
 - 2) A lab pack that is managed in accordance with the requirements of 49 CFR 178, incorporated by reference in 35 Ill. Adm. Code 720.111, for the purpose of

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complying with this Subpart may comply with the requirements of 40 CFR 112.134(b) combination packaging specified in 49 CFR 173.134(b) incorporated by reference at 35.111, Admin. Code 720.111.

- 6) A container that is attached to or forms a part of any truck, trailer, or railcar and that has been demonstrated within the preceding 12 months to be organic vapor-tight when all container openings are in a closed, sealed position (e.g., the container hatches or lids are gasketed and latched) for the purpose of meeting the requirements of this subcategory, a container is organic vapor-tight if the container sustains a pressure change of not more than 0.95 kPa (0.11 psig or 5.16 mm Hg) within 5 minutes after it is pressurized to a minimum of 4.59 kPa (0.65 psig or 33.7 mm Hg). This condition is to be demonstrated using the pressure test specified in Method 27 of 40 CFR 609, Appendix A, and a pressure measurement device which has a precision of ± 2.5 mm water and which is capable of measuring above the pressure at which the container is to be tested for vapor tightness.

- 2) An owner or operator treating hazardous waste in a container by either a waste stabilization process, any process that requires the addition of heat to the waste, or any process that produces an exothermic reaction shall meet the following requirements:

A) Whenever it is necessary for the container to be open during the treatment process, the container shall be located inside an enclosure that is vented through a closed vent system to a control device.

B) The enclosure shall be a structure that is designed and operated in accordance with the following requirements:

- i) The enclosure shall be a structure that is designed and operated with sufficient strength and rigidity to contain the hazardous waste in the container and vent the vapors through the closed vent system to the control device.

ii) The enclosure may have permanent or temporary openings to allow worker access, passage of containers through the enclosure by conveyor or other mechanical means, entry of permanent mechanical or electrical equipment, or to direct airflow into the enclosure. The pressure drop across each opening into the enclosure shall be maintained at a pressure below atmospheric pressure so that whenever an open container is placed inside the enclosure, no organic vapors are released from the container exit the enclosure through the opening. The owner or operator shall determine that an enclosure achieves this condition by measuring the pressure drop

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across each opening in the enclosure. If the pressure within the enclosure is equal to or greater than atmospheric pressure then the enclosure does not meet the requirements of this section.

- 6) The closed vent system and control device shall be designed and operated in accordance with the requirements of Section 724.907.

3) An owner or operator transferring hazardous waste into a container having a design capacity greater than 0.46 m³ (16.2 ft³) or 132 gal shall meet the following requirements:

A) Hazardous waste transfer by pumping shall be performed using a conveyance system that uses a tube (e.g., pipe, hose) to add the waste into the container. During transfer of the waste into the container, the cover shall remain in place and all container openings shall be maintained in a closed, sealed position except for those openings through which the tube enters the container and as provided for in subsection (c) below. The tube shall be positioned in a manner so that:

- i) The tube outlet continuously remains submerged below the waste surface at all times waste is flowing through the tube.

ii) The lower bottom edge of the tube outlet is located at a distance no greater than two inside diameters of the tube or 15.25 cm (6.0 in.) whichever distance is greater from the bottom of the container at all times waste is flowing through the tube or

iii) The tube is connected to a permanent port mounted on the bottom of the container so that the lower edge of the port opening inside the container is located at a distance equal to or less than 15.25 cm (6.0 in.) from the container bottom.

B) Hazardous waste transferred by a means other than pumping shall be performed such that during transfer of the waste into the container, the cover remains in place and all container openings are maintained in a closed, sealed position except for those openings through which the hazardous waste is added and as provided for in subsection (c) below.

- c) Each container opening shall be maintained in a closed, sealed position (e.g., covered by a gasketed lid) at all times that hazardous waste is in the container except when it is necessary to use the opening to:

1) Add, remove, inspect, or sample the material in the container;

2) Inspect, maintain, repair, or replace equipment located inside the container; or

3) Vent gases or vapors from a cover located over or enclosing an open container to a closed vent system connected to a control

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device that is designed and operated in accordance with the requirements of Section 724.987.

d) One or more safety devices that vent directly to the atmosphere may be used on the container cover enclosure closed vent system or control device provided each device meets all of the following conditions:

- 1) The safety device is not used for planned or routine venting of organic vapors from the container cover enclosure or closed vent system connected to a control device; and
- 2) The safety device remains in a control device position at all times except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the container cover enclosure, closed vent system or control device, or venting with good engineering and safety practices for handling flammable, combustible, or toxic or hazardous materials. An example of an unplanned event is a sudden power outage.

(Source: Amended at 22 Ill. Reg. 600.100 effective 11/1/81)

Section 724.987 Standards: Closed-vent Systems and Control Devices

a) This Section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with standards of this Subpart.

b) The closed-vent system shall meet the following requirements:

- 1) The closed-vent system shall route the gases, vapors, and fumes emitted from the hazardous waste in the waste management unit to a control device that meets the requirements specified in subsection (c) of this Section below.
 - 2) The closed-vent system shall be designed and operated in accordance with the requirements specified in Section 724.933(k).
 - 3) When the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device must be equipped with either a flow indicator, as specified in subsection (b)(3)(A) of this Section, or a seal or locking device, as specified in subsection (b)(3)(B) of this Section. For the purpose of complying with this subsection, low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring-loaded pressure-relief valves, and other fittings used for safety purposes are not considered to be devices.
- A) If a flow indicator is used to comply with this subsection (b)(3), the indicator must be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. For the purposes of this

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subsection, a flow indicator means a device that indicates the presence of either gas or vapor flow in the bypass line.

B) A seal or locking device is used to comply with subsection (b)(3) of this Section, the device must be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle or other lever) when the closed-vent valve is in the closed position such that the bypass device remains in the closed position without breaking the seal or removing the lock. Examples of such devices include, but are not limited to, a car-seal or a lock-and-key configuration valve. The owner or operator shall visually inspect the seal or closure mechanism at least once every month to verify that the bypass mechanism is maintained in the closed position.

4) The closed-vent system must be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 724.933(l).

3) If the closed-vent system contains one or more bypass devices that could be used to divert all or a portion of the gases, vapors, or fumes from entering the control device, the owner or operator shall meet the following requirements:

- A) For each bypass device except as provided for in subsection (b)(3)(B) below, the owner or operator shall either:
 - 1) install, calibrate, maintain, and operate a flow indicator at the inlet to the bypass device that indicates at least once every 15 minutes whether gas, vapor, or fume flow is present in the bypass device; or
 - 2) Secure a valve installed at the inlet to the bypass device in the closed position using a car seal or a lock-and-key type configuration. The owner or operator shall visually inspect the seal or closure mechanism at least once every month to verify that the valve is maintained in the closed position.
- B) Low-leg, drain, high-point, bleed, analyzer vent, open-ended valves or lines, and safety devices are not subject to the requirements of subsection (b)(3)(A) above. The control device shall meet the following requirements:
 - 1) A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95% percent by weight;
 - 2) An enclosed combustion device designed and operated in accordance with the requirements of Section 724.933(c); or
 - 3) A flare designed and operated in accordance with the requirements of Section 724.933(d).
- 2) The owner or operator that elects to use a closed-vent system and control device to comply with the requirements of this Section

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shall comply with the requirements specified in subsections (c)(2)(A) through (c)(2)(F) of this Section.

A) Periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable, must not exceed 240 hours per year.

B) The specifications and requirements in subsection (c)(1)(A), (c)(1)(B), and (c)(1)(C) of this Section for control devices do not apply during a control device system malfunction.

C) The specifications and requirements in subsection (c)(1)(A), (c)(1)(B), and (c)(1)(C) of this Section for control devices do not apply during a control device system malfunction.

D) The owner or operator shall demonstrate compliance with the requirements of subsection (c)(2)(A) of this Section (i.e., planned routine maintenance of a control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable, must not exceed 240 hours per year) by recording the information specified in Section 724.989(e)(1)(E).

E) The owner or operator shall correct control device system malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of air pollutants.

F) The owner or operator shall operate the closed-vent system so that gases, vapors, or fumes are not actively vented to the control device during periods of planned maintenance of the control device system malfunction (i.e., periods when the control device is not operating or not operating normally), except in cases when it is necessary to vent the gases, vapors, or fumes to avoid an unsafe condition or to implement malfunction corrective actions or planned maintenance actions.

2) ~~The control device shall be operating at all times when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device.~~

3) The owner or operator using a carbon adsorption system to comply with subsection (c)(1) of this Section above shall operate and maintain the control device in accordance with the following requirements:

A) Following the initial startup of the control device, all activated carbon in the control device shall be replaced with fresh carbon on a regular basis in accordance with the requirements of Section 724.93(g) or Section 724.93(h).

B) All carbon removed from the control device shall be managed in accordance with the requirements of Section 724.93(i).

4) An owner or operator using a control device other than a thermal

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vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with subsection (c)(1) of this Section above shall operate and maintain the control device in accordance with the requirements of Section 724.93(j).

5) The owner or operator shall demonstrate that a control device achieves the performance requirements of subsection (c)(1) of this Section above, as follows:

A) An owner or operator shall demonstrate using either a performance test, as specified in subsection (c)(5)(C) of this Section below, or a design analysis, as specified in subsection (c)(5)(D) of this Section below, the performance of each control device except for the following:

i) A flare;

ii) A boiler or process heater with a design heat input capacity of 44 megawatts or greater;

iii) A boiler or process heater into which the vent stream is introduced with the primary fuel;

iv) A boiler or industrial furnace process heater burning hazardous waste for which the owner or operator has been issued a final permit under 35 Ill. Adm. Code 702.701, and 705 and 706 and designed with the unit in compliance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H; or

v) A boiler or industrial furnace process heater burning hazardous waste that for which the owner or operator has designed and operates in accordance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.

B) An owner or operator shall demonstrate the performance of each flare in accordance with the requirements specified in Section 724.93(e).

C) For a performance test conducted to meet the requirements of subsection (c)(5)(A) of this Section above, the owner or operator shall use the test methods and procedures specified in Section 724.93(c)(1) through (c)(4).

D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A) of this Section above, the design analysis shall meet the requirements specified in Section 724.93(b)(4)(C).

E) The owner or operator shall demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) of this Section above based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.

6) If the owner or operator and the Agency do not agree on a

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demonstration of control device performance using a design analysis then the disagreement shall be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of subsection (c)(5)(C) of this Section above. The Agency may choose to have an authorized representative observe the performance test.

- 7) The control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.933(f)(2) and (1). The readings from each monitoring device required by Section 724.933(f)(2) must be inspected at least once each operating day to check control device operation. Any necessary corrective measures must be immediately implemented to ensure the control device is operated in compliance with the requirements of this Section.

(Source: Amended at 22 Ill. Reg. (10 C.F.R. 11.334), effective 7/24/97.)

Section 724.988 Inspection and Monitoring Requirements

- a) The owner or operator shall inspect and monitor air emission control equipment used to comply with this Subpart in accordance with the applicable requirements specified in Section 724.984 through Section 724.987.

- b) The owner or operator shall develop and implement a written plan and schedule to perform the inspections and monitoring required by subsection (a) of this Section. The owner or operator shall incorporate this plan and schedule into the facility inspection plan required under 35 Ill. Adm. Code 724.115.

- c) This Section applies to an owner or operator using air emission controls in accordance with the requirements of Sections 724.984 through 724.987:

- b) Each cover used in accordance with requirements of Sections 724.984 through 724.986 shall be visually inspected and monitored for detectable organic emissions by the owner or operator using the procedure specified in 35 Ill. Adm. Code 725.989(f)(1) through (f)(7) except as follows:

- 1) An owner or operator is exempted from performing the cover inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.989(f)(1) through (f)(7) for the following tank covers:
- A tank internal floating roof that is inspected and monitored in accordance with the requirements of Section 724.991; or
 - A tank external floating roof that is inspected and monitored in accordance with the requirements of Section 724.991;

- 2) If a tank is buried partially or entirely underground, an owner or operator is required to perform the cover inspection and

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monitoring requirements specified in 35 Ill. Adm. Code 725.989(f)(1) through (f)(7) only for those portions of the tank cover and those connections to the tank cover or tank body (e.g., fill ports, access hatches, gauge wells, etc.) that extend to or above the ground surface and can be opened to the atmosphere.

- 3) An owner or operator is exempted from performing the cover inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.989(f)(1) through (f)(7) for a container that meets all requirements specified in either Section 724.986(b)(1)(B) or (b)(1)(C):

- 4) An owner or operator is exempted from performing the cover inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.989(f)(1) through (f)(7) for an enclosure used to contain all emissions from a process in accordance with the conditions of Section 724.986(b)(3).

- c) Each closed vent system used in accordance with the requirements of Section 724.987 shall be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 724.933(f);

- d) Each control device used in accordance with the requirements of Section 724.987 shall be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.933(f) and 724.933(f);

- e) The owner or operator shall develop and implement a written plan and schedule to perform all inspection and monitoring requirements of this section. The owner or operator shall incorporate this plan and schedule into the facility inspection plan required under Section 724.115;

(Source: Amended at 22 Ill. Reg. (10 C.F.R. 11.334), effective 7/24/97.)

Section 724.989 Recordkeeping Requirements

- a) Each owner or operator of a facility subject to requirements in this Subpart shall record and maintain the information specified in subsections (b) through (1) of this Section, as applicable to the facility. Except for air emission control equipment design documentation and information required by subsection (1) of this Section, records required by this Section must be maintained in an operating record for a minimum of three years. Air emission control equipment design documentation must be maintained in the operating record until the air emission control equipment is replaced or is otherwise no longer in service. Information required by subsection (1) of this Section must be maintained in the operating record for as long as the tank or container is not using air emission controls specified in Sections 724.984 through 724.987, in accordance with the conditions specified in Section 724.984(d).

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- b) The owner or operator of a tank using air emission controls in accordance with the requirements of Section 724.984 shall prepare and maintain records for the tank that include the following information:
- 1) For each tank using air emission controls in accordance with the requirements of Section 724.984, the owner or operator shall record:
 - A) A tank identification number (or other unique identification description) as selected by the owner or operator.
 - B) The date and time of the inspection required by Section 724.984 that includes the following information:
 - 1) Date inspection was conducted.
 - 2) For each defect detected during the inspection, the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 724.984, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.
 - 2) In addition to the information required by subsection (b)(1) of this Section, the owner or operator shall record the following information, as applicable to the tank:
 - A) The owner or operator using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 724.984(c) shall prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of Section 724.984(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results.
 - B) The owner or operator using an internal floating roof to comply with the Tank Level 2 control requirements specified in Section 724.984(e) shall prepare and maintain documentation describing the floating roof design.
 - C) Owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 724.984(f) shall prepare and maintain the following records:
 - 1) Documentation describing the floating roof design and the dimensions of the tank.
 - 2) Records for each seal gap inspection required by Section 724.984(f)(3) describing the results of the seal gap measurements. The records must include the date that the measurements were performed, the raw data obtain for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the

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- specifications in Section 724.984(f)(1), the records must include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary.
- D) Each owner or operator using an enclosure to comply with the Tank Level 2 control requirements specified in Section 724.984(1) shall prepare and maintain the following records:
 - 1) Records for the most recent seal gap calculation and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a total enclosure as specified in "Procedure 4-Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, Appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.
 - E) The owner or operator of a surface impoundment using air emission controls in accordance with the requirements of Section 724.985 shall prepare and maintain records for the surface impoundment that include the following information:
 - 1) A surface impoundment identification number (or other unique identification description as selected by the owner or operator).
 - 2) Documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment, that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in Section 724.985(c).
 - 3) A record for each inspection required by Section 724.985 that includes the following information:
 - A) Date inspection was conducted.
 - B) For each defect detected during the inspection the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 724.985(f), the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.
 - 4) For a surface impoundment equipped with a cover and vented through a closed-vent system to a control device, the owner or operator shall prepare and maintain the records specified in subsection (e).
 - D) The owner or operator of containers using Container Level 3 air emission controls in accordance with the requirements of Section 724.986 shall prepare and maintain records that include the following

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Information:

- 1) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T--Criteria for Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 2) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.
- e) The owner or operator using a closed-vent system and control device in accordance with the requirements of Section 724.987 shall prepare and maintain records that include the following information:
 - 1) Documentation for the closed-vent system and control device that includes:
 - A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (e)(1)(B) of this Section or by performance tests as specified in subsection (e)(1)(C) of this Section when the tank, surface impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur.
 - B) If a design analysis is used, then design documentation, as specified in Section 724.935(b)(4). The documentation must include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 724.935(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications.
 - C) If performance tests are used, then a performance test plan as specified in Section 724.935(b)(3) and all test results.
 - D) Information as required by Section 724.935(c)(1) and Section 724.935(c)(2), as applicable.
 - E) An owner or operator shall record, on a semiannual basis, the information specified in subsections (e)(1)(E)(i) and (e)(1)(E)(ii) of this Section for those planned routine maintenance operations that would require the control device not to meet the requirements of Section 724.987(c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable.
 - 1) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next six-month period. This description must include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.
 - ii) A description of the planned routine maintenance that

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- was performed for the control device during the previous six-month period. This description must include the type of maintenance performed and the total number of hours during those six months that the control device did not meet the requirements of Section 724.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, due to planned routine maintenance.
- F) An owner or operator shall record the information specified in subsections (e)(1)(F)(i) through (e)(1)(F)(iii) of this Section for those unexpected control device system malfunctions that would require the control device not to meet the requirements of Section 724.987 (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable.
 - i) The occurrence and duration of each malfunction of the control device system.
 - ii) The duration of each period during a malfunction when gases, vapors or fumes are vented from the waste management unit through the closed-vent system to the control device while the control device is not properly functioning.
 - iii) Actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation.
 - G) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 724.987(c)(3)(B).
 - F) The owner or operator of a tank, surface impoundment, or container exempted from standards in accordance with the provisions of Section 724.982(c) shall prepare and maintain the following records, as applicable:
 - 1) For tanks, surface impoundments, or containers exempted under the hazardous waste organic concentration conditions specified in Section 724.982(c)(1) or (c)(2), the owner or operator shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator shall record the date, time, and location that each waste sample is collected in accordance with applicable requirements of Section 724.983.
 - 2) For tanks, surface impoundments, or containers exempted under the provisions of Section 724.982(c)(2)(G) or (c)(2)(H), the owner or operator shall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.
 - g) An owner or operator designating a cover as "unsafe to inspect and monitor" pursuant to Section 724.984(l) or Section 724.985(g) shall record in a log that is kept in the facility operating record the

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following information: the identification numbers for waste management units with covers that are designated as "unsafe to inspect and monitor," the explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each unit.

- a) Subpart shall record and maintain the following information as applicable:
- 1) Documentation for each cover installed on a tank in accordance with the requirements of Section 724.984 (b)(2) or (b)(3) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design and certification by the owner or operator that the cover meets the applicable design specifications as listed in 35-III-Adm-Code-725.991(c);
 - 2) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of Section 724.985(c) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design and certification by the owner or operator that the cover meets the specifications listed in 35-III-Adm-Code-725.986(e);
 - 3) Documentation for each enclosure used to control air emissions from containers in accordance with the requirements of Section 724.986(b)(3)(A) that includes information prepared by the owner or operator or provided by the manufacturer or vendor describing the enclosure design and certification by the owner or operator that the enclosure meets the specifications listed in Section 724.986(b)(3)(B);
 - 4) Documentation for each closed vent system and control device installed in accordance with the requirements of Section 724.987 that includes information prepared by the owner or operator or provided by the manufacturer or vendor describing the vent system and control device designed to control air emissions from the performance inventory as specified in subsection (a)(1)(B) by a design analysis as specified in subsection (a)(1)(B)(i) and the results of performance tests as specified in subsection (a)(1)(B)(ii) before and when the tank surface impoundment or container is or would be operating at capacity or the highest level reasonably expected to occur;
 - B) If a design analysis is used, then design documentation as specified in Section 724.935(b)(4); the documentation shall include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 724.935(b)(4)(e) and certification by the owner or operator that the control equipment meets the applicable specifications;

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- C) If performance tests are used, then a performance test plan as specified in Section 724.935(b)(3) and all test results;
- D) Information as required by Section 724.935(c)(1) and (c)(2);
- 5) Records for all Method 27 tests performed by the owner or operator for each container used to meet the requirements of Section 724.986(b)(1)(c); inspections conducted in accordance with the requirements of Section 724.988;
- 6) Records for air standard inspections conducted in accordance with the requirements of Section 724.988;
- 7) Records for air monitoring for detectable organic emissions conducted in accordance with the requirements of Section 724.988;
- 8) Records of the date of each attempt to repair a leak, repair methods applied, and the date of successful repair;
- 9) Records for all continuous monitoring conducted in accordance with the requirements of Section 724.989;
- 10) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 724.987(c)(3)(B);
- 11) Records for all inspections of each cover installed on a tank in accordance with the requirements of Section 724.984(b)(2) or (b)(3) that includes information as listed in 35-III-Adm-Code-725.991(c);
- b) An owner or operator electing to use air emission controls for a tank in accordance with the conditions specified in Section 724.984(c) shall record the following information:
 - 1) Date and time each waste sample is collected for direct measurement of maximum organic vapor pressure in accordance with Section 724.983(c);
 - 2) Results of each determination of the maximum organic vapor pressure of the waste in a tank performed in accordance with Section 724.983(c);
 - 3) Records specifying the tank dimensions and design capacity;
 - c) An owner or operator electing to use air emission controls for a tank in accordance with the requirements of Section 724.991 shall record the information required by Section 724.991(c);
 - d) An owner or operator electing not to use air emission controls for a particular tank surface impoundment or container subject to this Subpart in accordance with the conditions specified in Section 724.986(c) shall record the information required by the owner or operator for each tank surface impoundment or container test results measurement analysis and other documentation in the facility operating log; determination of the waste sample is recorded for the waste and location; then the owner or operator shall record the date, time and identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated;
 - e) An owner or operator electing to comply with requirements in accordance with Section 724.982(c)(2)(B) or Section 724.982(c)(2)(C) shall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated;

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6) An owner or operator designating a cover as unsafe to inspect and monitor pursuant to 35 Ill. Adm. Code 725.98(f)(5) or difficult to inspect and monitor pursuant to 35 Ill. Adm. Code 725.98(f)(6) shall record in a log that is kept in the facility operating record the following information:

- 1) A list of identification numbers for tanks with covers that are designated as unsafe to inspect and monitor in accordance with the requirements of 35 Ill. Adm. Code 725.98(f)(5) or explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover;
- 2) A list of identification numbers for tanks with covers that are designated as difficult to inspect and monitor in accordance with the requirements of 35 Ill. Adm. Code 725.98(f)(6) or explanation for each cover stating why the cover is difficult to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover;

9) All records required by subsections (a) through (f) above, except as required in subsections (a)(1) through (a)(4), shall be maintained in the operating record for a minimum of 3 years. All records required by subsections (a)(1) through (a)(4) above shall be maintained in the operating record until the air emission control equipment is replaced or otherwise no longer in service.

h) The owner or operator of a facility that is subject to this Subpart and to the control device standards in 40 CFR 60, Subpart VV or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to demonstrate compliance with the applicable Sections of this Subpart by documentation either pursuant to this Subpart, or pursuant to the provisions of 40 CFR 60, Subpart VV or 40 CFR Part 61, Subpart V, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.

i) For each tank or container not using air emission controls specified in Sections 724.984 through 724.987 in accordance with the conditions specified in Section 724.980(d), the owner or operator shall record and maintain the following information:

- 1) A list of the individual organic peroxide compounds manufactured at the facility that meet the conditions specified in Section 724.980(d)(1).
- 2) A description of how the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) of this Section are managed at the facility in tanks and containers. This description must include the following information:

A) For the tanks used at the facility to manage this hazardous waste, sufficient information must be provided to describe the following for each tank: a facility identification number for the tank, the purpose and placement of this tank in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste

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managed in the tanks.

B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to describe each tank: a facility identification number for the container or group of containers, the purpose and placement of this container or group of containers in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the containers.

3) An explanation of why managing the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) of this Section above in the tanks or containers identified pursuant to subsection (i)(2) of this Section above would create an undue safety hazard if the air emission controls specified in Sections 724.984 through 724.987 were installed and operated on these waste management units. This explanation must include the following information:

A) For tanks used at the facility to manage this hazardous waste, sufficient information must be provided to explain the following: how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the tanks; and why installation of safety devices on the required air emission controls, as allowed under this Subpart Section 724.984(f), would not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to explain the following: how use of the required air emission controls on the tanks would affect the container design features and handling procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the containers; and why installation of safety devices on the required air emission controls, as allowed under this Subpart Section 724.986(f), would not address those situations in which evacuation of containers equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

(Source: Amended at 22 Ill. Reg. 602.2, effective 1/1/1997)

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- a) Each owner or operator managing hazardous waste in a tank, surface impoundment, or container exempted from using air emission controls under the provisions of Section 724.982(c) shall report to the Agency each occurrence when hazardous waste is placed in the waste management unit in noncompliance with the conditions specified in Section 724.982(c)(1) or (c)(2), as applicable. Examples of such occurrences include placing in the waste management unit a hazardous waste having an average H₂O concentration equal to or greater than 500 ppm at the point of waste origination or placing in the waste management unit a listed hazardous waste that does not meet the applicable conditions specified in Section 724.982(c)(1)(b) through (c)(2)(EB). The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the USEPA H₂S--BPA identification number, the facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.
- b) Each owner or operator using air emission controls on a tank in accordance with the requirements Section 724.984(c) shall report to the Agency each occurrence when hazardous waste is managed in the tank in noncompliance with the conditions specified in Section 724.984(b)(1) through (c)(7). The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the USEPA H₂S--BPA identification number, the facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.
- c) Each owner or operator using a control device in accordance with the requirements of Section 724.987 shall submit a semiannual written report to the Agency excepted as provided in subsection (d) of this Section below. The report shall describe each occurrence during the previous control device period which caused the control device to operate longer in noncompliance with the applicable operating values defined in Section 724.935(c)(4) or when a flare is operated with visible emissions for five minutes or longer in a two-hour period, as defined in Section 724.933(d). The written report shall include the USEPA H₂S--BPA identification number, the facility name and address, and an explanation why the control device could not be returned to compliance within 24 hours, and actions taken to correct the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.
- d) A report to the Agency in accordance with the requirements of

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subsection (c) of this Section above is not required for a 6-month period during which all control devices subject to this Subpart are operated by the owner or operator so that both of the following conditions result: during no period of 24 hours or longer did a control device operate continuously in noncompliance with the applicable operating values defined in Section 724.935(c)(4) and no flare was operated over time with visible emissions for five minutes or longer in a two-hour period, as defined in Section 724.933(d).

(Source: Amended at 22 Ill. Reg. _____, effective _____
DEC 14 1994)

Section 724.991 Alternative Control Requirements for Tanks [Repealed]

- a) This Section applies to owners and operators of tanks that elect to comply with Section 724.984(b)(2) or Section 724.984(b)(3):
- 1) The owner or operator that elects to comply with Section 724.984(b)(2) shall design, install, operate, and maintain a fixed-roof and internal floating-roof that meet the requirements specified in 35 Ill. Adm. Code 725.991(a)(1)(A) through (a)(1)(F);
 - 2) The owner or operator that elects to comply with Section 724.984(b)(3) shall design, install, operate, and maintain an external floating-roof that meets the requirements specified in 35 Ill. Adm. Code 725.991(a)(2)(A) through (a)(2)(F);
 - b) The owner or operator shall inspect and monitor the control equipment in accordance with the following requirements:
 - 1) For a tank equipped with a fixed-roof and internal floating-roof in accordance with the requirements of subsection (a)(1) above, the owner or operator shall perform the inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.991(b)(1);
 - 2) For a tank equipped with an external floating-roof in accordance with the requirements of subsection (a)(2) above, the owner or operator shall perform the inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.991(b)(2);
 - c) The owner or operator shall record the following information in the operating record in accordance with the requirements of Section 724.992(a)(1) and (a)(2):
 - 1) For a tank equipped with a fixed-roof and internal floating-roof in accordance with the requirements of subsection (a)(1) above, the owner or operator shall record the information listed in 35 Ill. Adm. Code 725.991(c)(1);
 - 2) For a tank equipped with an external floating-roof in accordance with the requirements of subsection (a)(2) above, the owner or operator shall record the information listed in 35 Ill. Adm. Code 725.991(c)(2);

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities
- 2) Code citation: 35 Ill. Adm. Code 726
- 3) Section numbers: Adopted action:
726.170 Amended
- 4) Statutory authority: 415 ILCS 5/22.4 and 27
- 5) Effective date of amendments: December 16, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No. 35 Ill. Adm. Code 720.111 is the central listing of all documents incorporated by reference for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739. The existing text of Part 726 includes references to documents incorporated by reference in 35 Ill. Adm. Code 720.111. The present amendments to Part 726 do not amend those references.
- 8) Date filed in Board's principal office: Order adopted November 6, 1997.
- 9) Notice of proposal published in Illinois Register: August 8, 1997, 21 Ill. Reg. 10851
- 10) Has JCARR issued a Statement of Objections to these rules? No. Section 22.4(a) of the Environmental Protection Act (415 ILCS 5/22.4(a)) provides that Section 5 of the Illinois Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCARR. Nevertheless, JCARR did review the text in the course of preparing a Notice of Proposed Amendments for publication in the Illinois Register. JCARR made a number of minor revisions to text of the proposed amendments, as approved by the Board by its resolution dated July 24, 1997, before they appeared in the August 8, 1997 Notice of Proposed Amendments in the Illinois Register. The Board has reviewed the JCARR revisions to the text and accepted all of them. The revisions are outlined in the response to question (11) below.
- 11) Differences between proposal and final version: The Board has made a number of minor revisions to the text of the amendments as proposed. Most are in response to comments from JCARR. A small number are based on comments from the Illinois Environmental Protection Agency (Agency). Many others are based on the Board's review of the text in response to the JCARR and Agency suggestions. As explained in the response to question (10) above, JCARR altered the text of the proposed amendments between when the

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Board approved them for public comment on July 24, 1997 and when they appeared in a Notice of Proposed Amendments in the August 8, 1997 issue of the *Illinois Register*. The table below indicates the revisions undertaken, the source(s) of each, and their location in the text. The table indicates the revisions to the text as approved by the Board on July 24, 1997 not necessarily reflecting its appearance in the August 8, 1997 *Illinois Register* as altered by JCAR.

Revisions to the Text Since the Proposal for Public Comment

Section	Source	Revision(s)
726-Source Note	JCAR	Removed underlining of added text; added word "effective" to the entry for 895-20
726-170(a)	Board	Corrected spellings of words "palladium" and "individual"
726-170(c)	JCAR	Added closing parenthesis

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. As explained in the response to questions (10) and (11) above, JCAR altered the text of the proposed amendments between when the Board approved them for public comment on August 7, 1997 and when they appeared in a Notice of Proposed Amendments in the August 29, 1997 issue of the *Illinois Register*. The Board has reviewed the JCAR revisions to the text, and accepted all of them. The revisions are outlined in the response to question (11) above.

- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any other amendments pending on this Part? No

15) Summary and purpose of Amendments:

A more detailed description is contained in the Board's opinion and order of November 6, 1997. In consolidated docket 896-10/R97-3/R97-5, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The 896-10 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the

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Federal Register during the period July 1, 1995 through December 31, 1995. The R97-3 proceeding updates the Board's UIC rules to correspond with amendments adopted by USEPA that appeared in the *Federal Register* during the period January 1, 1996 through June 30, 1996. R97-5 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the *Federal Register* during the period January 1, 1996 through June 30, 1996. During these time-frames, USEPA undertook a number of amendments. Certain later actions, outside the normal docket time-frames, are included for various reasons.

Docket R96-10: July 1, 1995, through December 31, 1995, RCRA Subtitle C Amendments

July 7, 1995
(61 Fed. Reg. 35452)
Corrections to Subpart CC rules. USEPA corrected the docket number in the *Federal Register* preamble discussion of December 6, 1994.

July 11, 1995
(61 Fed. Reg. 35703)
Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.

August 14, 1995
(61 Fed. Reg. 41817)
Notice of revised interpretation of carbamate rule. USEPA revised its interpretation of its carbamate rules to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.

September 29, 1995
(61 Fed. Reg. 50426)
Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

October 23, 1995
(61 Fed. Reg. 54311)
Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the text of the Envirote Corp. delisting inadvertently deleted when USEPA

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intended to amend the delisting only to delete the waste from a single source (in Connecticut) on February 8, 1994.

October 30, 1995

(61 Fed. Reg. 55202)

Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally-applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.

November 13, 1995

(61 Fed. Reg. 56552)

Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

December 11, 1995

(61 Fed. Reg. 63417)

Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

The Board did not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period of July 1, 1995 through December 31, 1995. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995 in the prior RCRA Subtitle C update docket, #95-20, adopted June 20, 1996. No further action is required of the Board on those matters. Further, the Board will need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995. The Board is taking action on the federal actions of July 11 and December 11, 1995 in this consolidated docket.

In addition to the direct revisions to the RCRA Subtitle C regulations

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during the time period of docket #96-10, USEPA amended the federal water pollution control regulations three times during the period July 1, 1995 through December 31, 1995 in a way that could affect the Illinois RCRA Subtitle C rules. These federal actions revised analytical methods of 40 CFR 136 as follows:

Federal Action

August 2, 1995
(61 Fed. Reg. 39586)

Summary

USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs. USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater. USEPA added whole effluent toxicity testing to the approved methods.

August 28, 1995
(61 Fed. Reg. 44670)

October 16, 1995
(61 Fed. Reg. 53529)

The methods codified in 40 CFR 136 are incorporated by reference at Section 720.111 of the Illinois RCRA Subtitle C rules for the purposes of the hazardous waste and underground injection control regulations. The Board updated the incorporations by updating to the 1996 edition of the Code of Federal Regulations.

Docket #97-5:

January 1, 1996, through June 30, 1996, RCRA Subtitle C

Amendments

Federal Action

February 9, 1996
(61 Fed. Reg. 4903)

Summary

Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994, Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996

(61 Fed. Reg. 10684)

Summary

Relating to federal authorization of Illinois program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and "RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets #90-2, #90-11, #91-1, #91-13, #91-26, #92-1, and #93-4 between July 3, 1990, and November 22, 1993.

March 26, 1996

(61 Fed. Reg. 13103)

Summary

Correction to exclusion for recovered oil reducted into refining process. USEPA corrected an error in its July 28, 1994, exclusion of recovered oil from the definition of solid waste.

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April 8, 1996
(61 Fed. Reg. 15596)

Phase III Land Disposal Restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

April 8, 1996
(61 Fed. Reg. 15662)

Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in *Chemical Waste Management, Inc. v. EPA*, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994, Phase II LDRs that were also overruled by Pub. L. 104-119.

April 12, 1996
(61 Fed. Reg. 16309)

Hazardous waste import and export regulations. USEPA amended the Federal rules to incorporate amendments to the Federal rules (technical amendments) that are submitted to the designated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

April 30, 1996
(61 Fed. Reg. 19117)

Phase III LDR corrections (two separate actions). In each action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules.

June 5, 1996
(61 Fed. Reg. 28508)

Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994, Subpart CC organic material emissions requirements until October 6, 1996.

June 28, 1996
(61 Fed. Reg. 33680)

Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996, Phase III LDRs and partial withdrawal.

June 28, 1996
(61 Fed. Reg. 33691)

Use of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992, used oil mixtures rule in response to a January 19, 1996, vacatur in *Safety-Kleen Corp. v. EPA*, No. 92-1629, slip op. (D.C. Cir.

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Jan. 19, 1996) of its October 30, 1995, administrative stay of the rule.

As with the previous docket time-frame, the Board will not need to act on certain of the January 1, 1996 through June 30, 1996 Federal RCRA Subtitle C amendments. The Board dealt with the federal amendments of June 5, 1996, in docket R95-20, on June 20, 1996. Further, the March 15, 1996 action related to federal authorization of the Illinois RCRA Subtitle C program, which the Board notes in this opinion, but which requires no further action. Finally, as discussed below, the June 28, 1996 federal action requires no action because it reversed the federal amendments of October 30, 1995 described above.

Later Federal Actions

A small number of federal amendments to the RCRA Subtitle C regulations directly affect the subject matter involved in this docket by virtue of the amendments included in R95-10 and R97-5. These include the following actions that would normally await action under reserved RCRA Subtitle C docket R95-3, for the period July 1, 1996 through December 31, 1996. These include the following federal actions:

Federal Action

July 10, 1996
(61 Fed. Reg. 36419)

Summary
Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996, actions.

August 26, 1996
(61 Fed. Reg. 43923)

Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs.

November 25, 1996
(61 Fed. Reg. 59931)

Final Amendments to the "Subpart CC" rules. USEPA adopted final amendments to its December 6, 1994, organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R95-3 for the period January 1, 1997 through June 30, 1997 are the following:

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Federal Action

January 14, 1997
(62 Fed. Reg. 1991)

February 19, 1997
(62 Fed. Reg. 7501)

May 12, 1997
(62 Fed. Reg. 25997)

June 17, 1997
(62 Fed. Reg. 32973)

Summary

Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996, actions amending these tables.

Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (On July 16, 1997, the Board received a motion from the Peoria Disposal Company to expedite on narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.) Amendment of carbamate waste listings in response to a judicial remand. USEPA deleted a number of carbamate waste listings in response to the remand in *Dithiocarbamate Task Force v. EPA*, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period July 1, 1997 through December 31, 1997 for which there is no docket presently reserved. That action is the following:

Federal Action

July 14, 1997
(62 Fed. Reg. 37693)

Summary

Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Docket R97-3: January 1, 1996, through June 30, 1996, UIC Amendments

Federal Action

April 8, 1996
(61 Fed. Reg. 15596)
April 30, 1996
(61 Fed. Reg. 19117)
June 28, 1996
(61 Fed. Reg. 33680)

Summary

Phase III land disposal restrictions (LDRs).
Phase III LDR corrections.
Phase III LDR corrections.

Specifically, the amendments to Part 726 implement certain aspects of the OECD regulations applicable to international shipments of hazardous waste for recycling that are applicable to recycling facilities. The Board further used this opportunity to make a number of non-substantive

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

corrective and editorial amendments to the existing text of Part 726.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of November 6, 1997 from Victoria Agyeman at the above address at 312-814-3620.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 726

STANDARDS FOR THE MANAGEMENT OF
SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES
OF HAZARDOUS WASTE MANAGEMENT FACILITIESSUBPART C: RECYCLABLE MATERIALS USED IN A
MANNER CONSTITUTING DISPOSAL

Section 726.120 Applicability
Standards applicable to generators and transporters of materials used in a manner that constitutes disposal
726.121 Standards applicable to storers, who are not the ultimate users, of materials that are to be used in a manner that constitutes disposal
726.122 Standards applicable to users of materials that are used in a manner that constitutes disposal
726.123

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section 726.130 Applicability (Repealed)
726.131 Prohibitions (Repealed)
726.132 Standards applicable to generators of hazardous waste fuel (Repealed)
726.133 Standards applicable to transporters of hazardous waste fuel (Repealed)
726.134 Standards applicable to marketers of hazardous waste fuel (Repealed)
726.135 Standards applicable to burners of hazardous waste fuel (Repealed)
726.136 Conditional exemption for spent materials and by-products exhibiting a characteristic of hazardous waste (Repealed)

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY (Repealed)

Section 726.140 Applicability (Repealed)
726.141 Prohibitions (Repealed)
726.142 Standards applicable to generators of used oil burned for energy recovery (Repealed)
726.143 Standards applicable to marketers of used oil burned for energy recovery (Repealed)
726.144 Standards applicable to burners of used oil burned for energy recovery (Repealed)

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR

POLLUTION CONTROL BOARD

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PRECIOUS METAL RECOVERY

Section 726.170 Applicability and requirements

SUBPART G: SPENT LEAD-ACID BATTERIES
BEING RECLAIMED

Section 726.180 Applicability and requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section 726.200 Applicability
726.201 Management prior to burning
726.202 Permit standards for burners
726.203 Interim status standards for burners
726.204 Standards to control Organic Emissions
726.205 Standards to control Heavy Metals Emissions
726.206 Standards to control HCL and Chlorine Gas Emissions
726.207 Small quantity On-site Burner Exemption
726.208 Low risk waste Exemption
726.209 Waiver of DRE trial burn for Boilers
726.210 Standards for direct Transfer
726.211 Regulation of Residues
726.212 Extensions of Time

APPENDIX A

Metals

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

APPENDIX G

APPENDIX H

APPENDIX I

APPENDIX J

APPENDIX K

APPENDIX L

APPENDIX M

Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals
Tier I Feed Rate Screening Limits for Total Chlorine
Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride
Reference Air Concentrations
Risk Specific Doses
Stack Plume Rise
Health-Based Limits for Exclusion of Waste-Derived Residues
Potential PICs for Determination of Exclusion of Waste-Derived Residues
Methods Manual for Compliance with BIF Regulations
Guideline on Air Quality Models
Lead-Bearing Materials That May be Processed in Exempt Lead Smelters
Nickel or Chromium-Bearing Materials that may be Processed in Exempt Nickel-Chromium Recovery Furnaces
Mercury-Bearing Wastes That May Be Processed in Exempt Mercury

POLLUTION CONTROL BOARD

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Recovery Units

TABLE A Exempt Quantities for Small Quantity Burner Exemption

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ICS § 22.4 and 27).

SOURCE: Adopted in 895-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in 896-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in 897-18 at 12 Ill. Reg. 2400, effective January 15, 1988; amended in 899-1 at 13 Ill. Reg. 1806, effective November 13, 1989; amended in 900-2 at 14 Ill. Reg. 1453, effective August 22, 1990; amended in 900-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in 901-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in 902-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in 903-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in 904-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in 905-6 at 19 Ill. Reg. 10006, effective June 27, 1995; amended in 905-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in 906-10/907-3/907-5 at 22 Ill. Reg. _____, effective _____.

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR
PRECIOUS METAL RECOVERY

Section 726.170 Applicability and requirements

- a) The regulations of this Subpart apply to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, ~~platinium~~, iridium, ~~tridium~~, osmium, rhodium, ruthenium, or any combination of these.
- b) Persons that who generate, transport or store recyclable materials that are regulated under this Subpart are subject to the following requirements:
 - 1) Notification requirements under Section 301.0 of the Resource Conservation and Recovery Act;
 - 2) 35 Ill. Adm. Code 722.Subpart B (for generators), 35 Ill. Adm. Code 723.120 and 121 (for transporters), and 35 Ill. Adm. Code 725.171 and 725.172 (for persons that who store); and
 - 3) For precious metals exported to or imported from designated OECD member countries for recovery, 35 Ill. Adm. Code 722.Subpart H and 725.112(a)(2). For precious metals exported to or imported from non-OECD countries for recovery, 35 Ill. Adm. Code 722.Subparts E and F.
- c) Persons that who store recycled materials that are regulated under this Subpart shall keep the following records to document that they are not accumulating these materials speculatively (as defined in 35 Ill. Adm. Code 721.101(c)):
 - 1) Records showing the volume of these materials stored at the beginning of the calendar year;
 - 2) The amount of these materials generated or received during the

POLLUTION CONTROL BOARD

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- 3) The amount of materials remaining at the end of the calendar year; and
- d) Recyclable materials that are regulated under this Subpart that are accumulated speculatively (as defined in 35 Ill. Adm. Code 721.101(c)) are subject to all applicable provisions of 35 Ill. Adm. Code 722 through 725, and 35 Ill. Adm. Code 702, 703 and 705.

(Source: Amended at 22 Ill. Reg. _____, effective _____;
DEC 16 1994)

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Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or second notice review by JCAR. As explained in the response to questions (10) and (11) above, JCAR altered the text of the proposed amendments between when the Board approved them for public comment on August 7, 1997, and when they appeared in a Notice of Proposed Amendments in the August 29, 1997 issue of the Illinois Register. The Board has reviewed the JCAR revisions to the text and accepted nearly all of them. The revisions are outlined in the response to question (11) above.

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion and order of November 6, 1997, in consolidated docket R96-10/R97-3/R97-5, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

The R96-10 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1, 1995 through December 31, 1995. The R97-3 proceeding updates the Board's UIC rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1996 through June 30, 1996. The R97-5 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1996 through June 30, 1996. During these time-frames, USEPA undertook a number of amendments. Certain later actions, outside the normal docket time-frames, are included for various reasons.

Docket R96-10: July 1, 1995 through December 31, 1995 RCRA Subtitle C Amendments:

July 7, 1995 Corrections to Subpart CC rules. USEPA (61 Fed. Reg. 35452) corrected the docket number in the Federal Register preamble discussion of December 6, 1994.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

July 11, 1995
(61 Fed. Reg. 35703)

Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the biodegradability of sorbent materials for the purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.

August 14, 1995
(61 Fed. Reg. 41817)

Notice of revised interpretation of carbonate rule. USEPA revised its interpretation of its carbonate rules to determine that wastes from the off-site production of non-carbonate intermediates that are used exclusively in carbonate production are not subject to the carbonate rule.

September 29, 1995
(61 Fed. Reg. 50426)

Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

October 23, 1995
(61 Fed. Reg. 54311)

Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the text of the Enviro Corp. delisting inadvertently deleted when USEPA intended to amend the delisting only to delete the waste from a single source (in Connecticut) on February 8, 1994.

October 30, 1995
(61 Fed. Reg. 55202)

Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally-applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.

November 13, 1995
(61 Fed. Reg. 56952)

Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

December 11, 1995
(61 Fed. Reg. 63117)

until June 6, 1996.

Amendments to the permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

The Board did not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period of July 1, 1995 through December 31, 1995. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995 in the prior RCRA Subtitle C update docket, R95-20, adopted June 20, 1996. No further action is required of the Board on those matters. Further, the Board will need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995. The Board is taking action on the federal actions of July 11 and December 11, 1995 in this consolidated docket.

In addition to the direct revisions to the RCRA Subtitle C regulations during the time period of docket R96-10, USEPA amended the federal water pollution control regulations three times during the period July 1, 1995 through December 31, 1995 in a way that could affect the Illinois RCRA Subtitle C rules. These federal actions revised analytical methods of 40 CFR 136, as follows:

Federal Action
August 2, 1995
(61 Fed. Reg. 39586)

Summary
USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.

August 28, 1995
(61 Fed. Reg. 44670)

Summary
USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater.

October 16, 1995
(61 Fed. Reg. 53529)

Summary
USEPA added whole effluent toxicity testing to the approved methods.

The methods codified in 40 CFR 136 are incorporated by reference at Section 720.111 of the Illinois RCRA Subtitle C rules for the purposes of the hazardous waste and underground injection control regulations. The Board updated the incorporations by updating to the 1996 edition of the Code of Federal Regulations.

Docket R97-5: January 1, 1996 through June 30, 1996 RCRA Subtitle C Amendments

Federal Action

Summary

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NOTICE OF ADOPTED AMENDMENTS

February 9, 1996
(61 Fed. Reg. 4903)

Subpart CC organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994 Subpart CC organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
(61 Fed. Reg. 10684)

Relating to federal authorization of Illinois Program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and "RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.

March 26, 1996
(61 Fed. Reg. 13103)

Correction to exclusion for recovered oil re-injected into refining process. USEPA corrected an error in its July 28, 1994 exclusion of recovered oil from the definition of solid waste.

April 8, 1996
(61 Fed. Reg. 15596)

Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

April 8, 1996
(61 Fed. Reg. 15662)

Phase III LDR partial withdrawal and amendment. USEPA withdrew segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in Chemical Waste Management, Inc. v. EPA, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994 Phase II LDRs that were also overruled by Pub. L. 104-119.

April 12, 1996
(61 Fed. Reg. 16309)

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and

POLLUTION CONTROL BOARD

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amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39. Phase III LDR corrections (too separate actions). In each action, the effective dates for the Phase III LDR rules are postponed until the date of the federal Subpart CC organic material emission standards amendment. Partial stay of the Phase III LDR corrections. EPA's organic material emission requirements until October 6, 1996. Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996 Phase III LDRs and partial withdrawal. Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992 used oil mixtures rule in response to a January 19, 1996 vacatur in *Safety-Kleen Corp. v. EPA*, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995 administrative stay of the rule.

As with the previous docket time-frame, the Board will not need to act on certain of the January 1, 1996 through June 30, 1996 federal RCRA Subtitle C amendments. The Board dealt with the federal amendments of June 5, 1996 in docket R95-20, on June 20, 1996. Further, the March 15, 1996 action related to federal authorization of the Illinois RCRA Subtitle C program, which the Board notes in this opinion, but which requires no further action. Finally, as discussed below, the June 28, 1996 federal action requires no action because it reversed the federal amendments of October 30, 1995, described above.

Later Federal Actions

A small number of federal amendments to the RCRA Subtitle C regulations directly affect the subject matter involved in this docket by virtue of the amendments included in R96-10 and R97-5. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1, 1996 through December 31, 1996. These include the following federal actions:

Federal Action

July 10, 1996
(61 Fed. Reg. 36419)
Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996 actions.

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August 26, 1996
(61 Fed. Reg. 43923)

Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs. Final Amendments to the "Subpart CC" rules.

November 25, 1996
(61 Fed. Reg. 59931)

USEPA adopted final amendments to its December 6, 1994 organic material emission rules, applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5, for the period January 1, 1997 through June 30, 1997, are the following:

Federal Action

January 14, 1997
(62 Fed. Reg. 1997)

Summary
Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

February 19, 1997
(62 Fed. Reg. 7501)

Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996 actions amending these tables.

May 12, 1997
(62 Fed. Reg. 25997)

Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (On July 16, 1997, the Board received a motion from the Peoria Disposal Company to expedite on narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.) Amendment of carbamate waste listings in response to a judicial demand. USEPA deleted a number of carbamate waste listings in response to the demand in *Dithiocarbamate Task Force v. EPA*, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period July 1, 1997 through December 31, 1997 for which there is no docket

POLLUTION CONTROL BOARD

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presently reserved. That action is the following:

Federal Action

July 14, 1997
(62 Fed. Reg. 37693)

Summary

Extension of the national capacity variance for ROBB wastes. USEPA extended the national capacity variance for ROBB wastes for three months, until October 8, 1997.

Docket R97-3: January 1, 1996 through June 30, 1996 UIC Amendments:

Federal Action

April 8, 1996
(61 Fed. Reg. 15596)
April 30, 1996
(61 Fed. Reg. 19117)
June 28, 1996
(61 Fed. Reg. 33680)

Summary

Phase III land disposal restrictions (LDRs).

Phase III LDR corrections.

Phase III LDR corrections.

Specifically, the amendments to Part 739 were originally to have included the federal stay of the used oil mixtures rule, but no amendments were necessary based on that stay due to a later judicial vacatur and USEPA's subsequent withdrawal of that stay. Rather, the Board used this opportunity to make a number of non-substantive corrective and editorial amendments to the existing text of Part 739.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
1800 W. Randolph
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of November 6, 1997 from Victoria Ayyeman at the above address at 312-814-3620.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: SPECIFIC HAZARDOUS WASTE MANAGEMENT STANDARDS

PART 739

STANDARDS FOR THE MANAGEMENT OF USED OIL

SUBPART A: DEFINITIONS

Definitions

Section
739.100

SUBPART B: APPLICABILITY

Section
739.110
Applicability
739.111
Used oil specifications
739.112
Prohibitions

SUBPART C: STANDARDS FOR USED OIL GENERATORS

Section
739.120
Applicability
739.121
Hazardous waste mixing
739.122
Used oil storage
739.123
On-site burning in space heaters
739.124
Off-site shipments

SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

Section
739.130
Do-it-yourselfer used oil collection centers
739.131
Used oil collection centers
739.132
Used oil aggregate points owned by the generator

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES

Section
739.140
Applicability
739.141
Restrictions on transporters who are not also processors
739.142
Notification
739.143
Used oil transportation
739.144
Resustainable transportation for used oil
739.145
Used oil storage at transfer facilities

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739.146 Tracking
739.147 Management of residues

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section
739.150 Applicability
739.151 Notification
739.152 General facility standards
739.153 Rebuttable presumption for used oil
739.154 Used oil management
739.155 Analysis plan
739.156 Tracking
739.157 Operating record and reporting
739.158 Off-site shipments of used oil
739.159 Management of residues

SUBPART G: STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section
739.160 Applicability
739.161 Restriction on burning
739.162 Notification
739.163 Rebuttable presumption for used oil
739.164 Used oil storage
739.165 Tracking
739.166 Notices
739.167 Management of residues

SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

Section
739.170 Applicability
739.171 Prohibitions
739.172 On-specification used oil fuel
739.173 Notification
739.174 Tracking
739.175 Notices

SUBPART I: STANDARDS FOR USE AS A DUST SUPPRESSANT DISPOSAL OF USED OIL

Section
739.180 Applicability
739.181 Disposal
739.182 Use as a dust suppressant

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the

POLLUTION CONTROL BOARD

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Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6931, effective April 26, 1994; amended in R94-17 at 18 Ill. Reg. 17616, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 10036, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 96-4, effective DEC 1, 1996.

SUBPART B: APPLICABILITY

Section 739.110 Applicability

This Section identifies those materials which are subject to regulation as used oil under this Part. This Section also identifies some materials that are not subject to regulation as used oil under this Part, and indicates whether these materials may be subject to regulation as hazardous waste under 35 Ill. Adm. Code ~~Part~~ 702, 703, 720 through 726, and 728.

- a) Used oil. USEPA ~~test~~-BPA presumes that used oil is to be recycled unless a used oil handler disposes of used oil, or sends used oil for disposal. Except as provided in Section 739.111, this regulation for this Part that applies to used oil. Materials identified in this Section are being subject to regulation as used oil, whether or not the used oil or material exhibits any characteristics of hazardous waste identified in 35 Ill. Adm. Code 721 Subpart C.
- b) Mixtures of used oil and hazardous waste.

- 1) Listed hazardous waste.
- A) A mixture of used oil and hazardous waste that is listed in 35 Ill. Adm. Code 721 Subpart D is subject to regulation as hazardous waste under 35 Ill. Adm. Code 703, 720 through 726, and 728, rather than as used oil under this Part.

- B) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 35 Ill. Adm. Code 721 Subpart D. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 35 Ill. Adm. Code 721 Appendix H). USEPA ~~9-5~~-BPA Publication SW-846, Third Edition, is available from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, (202) 783-3238 (document number 955-001-000000-1).

- 1) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in Section 739.124(c), to

POLLUTION CONTROL BOARD

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reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner, or disposed.

ii) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

- 2) Characteristic hazardous waste. A mixture of used oil and hazardous waste that exhibits a hazardous waste characteristic identified in 35 Ill. Adm. Code 721.Subpart C and a mixture of used oil and hazardous waste that is listed in Subpart D of this Part solely because it exhibits one or more of the characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C is subject to:

A) Except as provided in subsection (b)(2)(C) of this Section, regulation as hazardous waste under 35 Ill. Adm. Code 703, 720 through 726, rather than as used oil under this Part, if the resultant mixture exhibits any characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C; or

B) Except as provided in subsection (b)(2)(C) of this Section, regulation as used oil under this Part, if the resultant mixture does not exhibit any characteristics of hazardous waste identified under 35 Ill. Adm. Code 721.Subpart C.

C) Regulation as used oil under this Part, if the mixture is of used oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability (e.g., ignitable-only mineral spirits), provided that the resultant mixture does not exhibit the characteristic of ignitability under 35 Ill. Adm. Code 721.121.

- 3) Conditionally exempt small quantity generator hazardous waste. A mixture of used oil and conditionally exempt small quantity generator hazardous waste regulated under 35 Ill. Adm. Code 721.105 is subject to regulation as used oil under this Part.

c) Materials containing or otherwise contaminated with used oil, a material containing or otherwise contaminated with used oil from which the used oil has been properly drained or removed to the extent possible such that no visible signs of free-flowing oil remain in or on the material:

- A) is not used oil, and thus, it is not subject to this Part, and
- B) if applicable, is subject to the hazardous waste regulations of 35 Ill. Adm. Code 703, 720 through 726, and 728.

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- 2) A material containing or otherwise contaminated with used oil that is burned for energy recovery is subject to regulation as used oil under this Part.

3) Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under this Part.

d) Mixtures of used oil with products.

- 1) Except as provided in subsection (d)(2) of this Section below, mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under this Part.

2) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this Part once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of Subpart C of this Part.

e) Materials derived from used oil.

- 1) Materials that are reclaimed from used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants) are:

A) Not used oil and thus are not subject to this Part, and hazardous waste regulations of 35 Ill. Adm. Code 703, 720 through 726, and 728 as provided in 35 Ill. Adm. Code 721.103(e)(1); and

2) Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to regulation as used oil under this Part.

3) Except as provided in subsection (e)(4) of this Section below, materials derived from used oil that are disposed of or used in a manner constituting disposal are:

A) Not used oil and thus are not subject to this Part, and
B) Are solid wastes and thus are subject to the hazardous waste regulations of 35 Ill. Adm. Code 703, 720 through 726, and 728 if the materials are listed or identified as hazardous waste.

- 4) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are not subject to this Part.

f) Wastewater. Wastewater, the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (including wastewaters at facilities which have eliminated the discharge of wastewater), contaminated with de minimis quantities of used oil are not subject to the requirements of this Part. For purposes of this subsection, "de minimis" quantities of used oils are defined as small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception will not apply if the used oil

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is discarded as a result of abnormal manufacturing operations resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewaters.

- g) Used oil introduced into crude oil pipelines or a petroleum refining facility.
 - 1) Used oil mixed with crude oil or natural gas liquids (e.g., in a production separator or crude oil stock tank) for insertion into a crude oil pipeline is exempt from the requirements of this Part. The used oil is subject to the requirements of this Part prior to the mixing of used oil with crude oil or natural gas liquids.
 - 2) Mixtures of used oil and crude oil or natural gas liquids containing less than 1% used oil that are being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point prior to crude distillation or catalytic cracking are exempt from the requirements of this Part.
 - 3) Used oil that is inserted into the petroleum refining process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from the requirements of this Part, provided that the used oil contains less than 1% of the crude oil feed to any petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining process, the used oil is subject to the requirements of this Part.
 - 4) Except as provided in subsection (g)(5) of this Section below, used oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from the requirements of this Part only if the used oil meets the specification of Section 739.111. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of this Part.
 - 5) Used oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as part of routine process operations at a petroleum refining facility and inserted into the petroleum refining facility process is exempt from the requirements of this Part. This exemption does not extend to used oil that is intentionally introduced into a hydrocarbon recovery system (e.g., by pouring collected used oil into the wastewater treatment system).
 - 6) Tank bottoms from stock tanks containing exempt mixtures of used oil and crude oil or natural gas liquids are exempt from the requirements of this Part.
 - h) Used oil on vessels. Used oil produced on vessels from normal shipboard operations is not subject to this Part until it is transported ashore.
 - i) Used oil containing PCBs. In addition to the requirements of this Part, a marketer or burner of used oil that markets used oil

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containing any qualifiable level of PCBs is subject to the requirements of 40 CFR 761.20(e).

(Source: Amended at 22 Ill. Reg. _____, effective DEC 1, 1999)

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- 1) Heading of the Part: Land Disposal Restrictions
- 2) Code Citation: 35 Ill. Adm. Code 728
- 3) Section numbers: Adopted action:
 728.101 Amended
 728.102 Amended
 728.103 Amended
 728.107 Amended
 728.109 Amended
 728.110 Repealed
 728.111 Repealed
 728.112 Repealed
 728.139 Amended
 728.140 Amended
 728.144 Amended
 728.148 Amended
 728.App. K Added
 728.Tab. C Amended
 728.Tab. T Amended
 728.Tab. U Amended

4) Statutory authority: 415 ILCS 5/22.4 and 27.

5) Effective date of amendments: December 16, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No. 35 Ill. Adm. Code 720.111 is the central listing of all documents incorporated by reference for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 738, and 739. The existing text of Part 728 includes references to documents incorporated by reference in 35 Ill. Adm. Code 720.111. The present amendments to Part 728 do not amend those references.

8) Date filed in Board's principal office: Order adopted November 6, 1997.

9) Notice of proposal published in Illinois Register: August 8, 1997, 21 Ill. Reg. 10492

10) Has JCAR issued a Statement of Objections to these rules? No. Section 22.4(a) of the Environmental Protection Act (415 ILCS 5/22.4(a)) provides that Section 5 of the Illinois Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the INPA, it is not subject to first notice or to second notice review by JCAR. Nevertheless, JCAR did review the text in the course of preparing a Notice of Proposed Amendments for publication in

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the *Illinois Register*. JCAR made a number of minor revisions to the text of the Proposed Amendments as approved by the Board by its opinion and order of July 4, 1997, as amended, and the August 8, 1997, Notice of Proposed Amendments in the Register. The Board has reviewed the JCAR revisions to the text and accepted nearly all of them. The revisions are outlined in the response to question (11) below.

11) Differences between proposal and final version: The Board has made a number of minor revisions to the text of the amendments as proposed. Most are in response to comments from JCAR. A small number are based on comments from the Illinois Environmental Protection Agency (Agency). Many others are based on the Board's review of the text in response to the JCAR and Agency suggestions. As explained in the response to question (10) above, JCAR altered the text of the proposed amendments between when the Board approved them for public comment on July 24, 1997 and when they appeared in a Notice of Proposed Amendments in the August 8, 1997 issue of the *Illinois Register*. The table below indicates the revisions undertaken, the source(s) of each, and their location in the text. The table indicates the revisions to the text as approved by the Board on July 24, 1997 not necessarily reflecting its appearance in the August 8, 1997 *Illinois Register* as altered by JCAR. A second table indicates the JCAR revisions that the Board has not accepted. Those revisions appeared in the August 8, 1997 issue of the Register.

Revisions to the Text Since the Proposal for Public Comment

Section	Source	Revision(s)
728-Source Note	JCAR	Removed underlining of added text
728.101(c)(3)(A)	JCAR	Changed verb to singular "is" to agree with the amended preamble text
728.101(c)(3)(B)	JCAR	Changed verb to singular "does" to agree with the amended preamble text; changed to a period ending punctuation from a comma
728.102 "debris"	Board	Changed "728.Subpart D" to "Subpart D of this Part"
728.102 "wastewaters"	JCAR	Added period to end of retained text, overstrike the period at the end of the deleted text
728.103(a)	Board, JCAR	Changed "below" to "of this Section" in base text; reverted to base text "Subpart C of this Part" (twice) and "Subpart D of this Part"
728.103(c)	JCAR	Removed comma after word "combustion"
728.107(a)(1)	Board	Changed "728.Subpart D" to "Subpart D of this Part"

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728.107(a)(2)	Board	Changed "728.Subpart D" to "Subpart D of this Part"; corrected spelling of word "certification"
728.107(a)(2)(A)(i)	Board, JCAR	Removed unnecessary commas (twice); added quotation marks on "D003 reactive cyanide"; added comma after closing parenthesis
728.107(a)(2)(B)	Board	Changed "728.Subpart D" to "Subpart D of this Part"
728.107(a)(3)(B)	Board, JCAR	Added conjunction "and;" removed unnecessary commas (twice); added quotation marks on "D003 reactive cyanide"
728.107(a)(3)(F)	Board	Changed "subsections (a)(3)(A) through (a)(3)(D) above and subsection (a)(3)(G) below" to "subsections (a)(3)(A) through (a)(3)(D) and (a)(3)(G) of this Section" in base text
728.107(a)(4)	Board	Changed "728.Subpart D" to "Subpart D of this Part"
728.107(a)(8)	Board	Changed "above" to "of this Section"
728.107(a)(10)	Board	In base text (twice)
728.107(b)	Board	Changed "above" to "of this Section"
728.107(b)(2)	Board	Changed "728.Subpart D" to "Subpart D of this Part"
728.107(b)(4)	Board	Changed "below" to "of this Section" in base text; corrected spelling of words "notification" and "requirements" (twice)
728.107(b)(4)(B)	Board	Changed "to be monitored" to "that the treater will monitor"; removed unnecessary commas; changed to singular "cyanide"
728.107(b)(5)	Board	Changed "below" to "of this Section" in base text; changed "728.Subpart D" to "Subpart D of this Part"; corrected spelling of words "notification" and "requirements" (twice)
728.107(b)(5)(A)	Board	Changed "728.Subpart D" to "Subpart D of this Part" (twice)
728.107(b)(5)(C)	Board	Changed "728.Subpart D" to "Subpart D of this Part"
728.107(b)(7)	Board	Changed "above" to "of this Section" in base text (three times)

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728.107(c)(1)	Board	Changed "above" to "of this Section" in base text
728.107(c)(2)	Board	Changed "728.Subpart D" to "Subpart D of this Part"
728.107(c)(4)	Board	Changed "above" to "of this Section" in base text
728.108	JCAR	Removed the text of the Section because there were no amendments
728.109(a)	Board	Changed "below" to "of this Section" in base text; changed "728.Subpart D" to "Subpart D of this Part"
728.109(c)	Board	Changed "728.Subpart D" to "Subpart D of this Part"
728.109 Source Note	JCAR	Corrected to current proceeding
728.109(a)	Board, JCAR, Agency	Changed "EPA" to "USEPA"; added "and K161;" corrected entry to "J094"
728.109(e)	JCAR	Changed "above" to "of this Section"
728.109(f)(1)	JCAR	Changed "728.Subpart D" to "Subpart D of this Part"
728.140(d)	Board	Changed "above" to "of this Section"
728.140(d)(2)	Board	In base text
728.144(a)	Board	Changed "above" to "of this Section"
728.Appendix K	JCAR	Changed to plural "levels"
"F006"	JCAR	Revised parenthesis after the word "basic"
728.Table C	Board	Corrected spelling of "permanganates"
728.Table T	Board	Changed "Section" to "35 Ill. Adm. Code"
728.Table T	JCAR	Deleted extra period at end of entry
728.Table T "F024"	JCAR	Deleted comma after "from;" changed "Section" to "35 Ill. Adm. Code;" deleted extra period at end
728.Table T	JCAR	Deleted comma after word "hydrocarbons"
728.Table T "F025" (both entries)	JCAR	Deleted markings for amendments in entry for "O,P-DDD;" changed "728.Subpart D" to "Subpart D of this Part"
728.Table T "F039"	Board	Corrected wastewater and nonwastewater standards for chrysene to "0.059" and "3.4"
728.Table T "K088"	Agency	Corrected "bag house" to "baghouse"
728.Table T "K158"	JCAR	

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728.Table T note 8	JCAR	Added comma after "systems;" moved ending period inside closing parenthesis
728.Table T note 9	JCAR	Added comma after "well;" moved ending period inside closing parenthesis
728.Table U "aldicarb sulfone"	JCAR	Underlined text of entry as added

The table of suggested amendments that the Board declined to make is organized by different sources from the above tables. The table also indicates the suggestion and its source in the middle column, and the Board's response appears in the right column.

Suggestions Not Accepted

Source: Suggestion Board Response

JCAR: Change the heading for Section 728.133 so that it agrees in style with that of Sections 728.131, 728.132, and 728.134 which does not comport with the Secretary of State's style manual, and Section 728.133 is not open for amendment in this proceeding

JCAR: change "35 Ill. Adm. Code 721-Subpart C" to "35 Ill. Adm. Code 721, Subpart C"

JCAR: capitalize the word "state"

JCAR: remove the definite article from "the Sections 728.148 and 728.Table U Standards," but not as "Standards," but not as "Standards" (twice)

Section

728. Table of
Contents

728.101(C)(3)(B)

728.103(C)(5)

728.107(b)(5)(E)

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728.109(a)	JCAR: indicate closing parenthesis after "RORGs" as stricken and add a new one at the end of the added language that immediately follows	The added language modifies the clauses with "RORGs;" moving the parenthesis for no reason could confuse this point
728.139(g)	JCAR: change "728-Subpart D" to "Subpart b"	The suggested revised format would violate 1 Ill. Adm. Code 100.370(h) and the Secretary of State's style manual
728.Table T "K039"	JCAR: remove underlining from "PCDFs" in entry	"PCDFs" was amended to "The Board does not understand"
728.Table T "K093"	JCAR: Showed text as existing in Code	was suggested "resphthalic" to corrected to "resphthalic"
728.Table T "K156"	Agency: change "38" to "1.8" for acetonitrile	US EPA changed the nonwastewaters standard for acetonitrile to "38" at 62 Fed. Reg. 7564, February 19, 1997
728.Table T "U087"	Agency: delete "or" from wastewaters treatment standard	USEPA changed the wastewaters standard by adding "or" at 62 Fed. Reg. 7582, February 19, 1997
728.Table U	JCAR: underline entries for "delta-BHC" and "gamma-BHC" to indicate as added	The entries are on file with the Secretary of State as existing text

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR. As explained in the response to questions (10) and (11) above, JCAR altered the text of the proposed amendments between when the Board approved them for public comment on August 7, 1997 and when they appeared in a Notice of Proposed Amendments in the August 29, 1997 issue of the Illinois Register. The Board has reviewed the JCAR revisions to the text and accepted nearly all of them. The revisions are outlined in the response to question (11) above.

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- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes.

Section Numbers Proposed Action Illinois Register Citation
726-101 Amend November 21, 1997, 21 Ill. Reg. 14742

The Board proposed regulations on November 6, 1997 under docket number R98-12 that would designate certain mercury-containing lamps as universal waste. The effect of this action would be to regulate these wastes under 35 Ill. Adm. Code 733, rather than under the generally-applicable body of hazardous waste regulations at 35 Ill. Adm. Code 721 through 726 and 728. The R98-12 amendments will not affect the substance of the amendments involved in this consolidated update docket, R96-10/R97-3/R97-5.

- 15) Summary and purpose of Amendments: A more detailed description is contained in the Board's opinion and order of November 6, 1997, in consolidated docket R96-10/R97-3/R97-5, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAB.

The R96-10 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1, 1995 through December 31, 1995. The R97-3 proceeding updates the Board's UIC rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1996 through June 30, 1996. R97-5 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1996 through June 30, 1996. During these time-frames, USEPA undertook a number of amendments. Certain later actions, outside the normal docket time-frames, are included for various reasons.

Docket R96-10: July 1, 1995, through December 31, 1995, RCRA Subtitle C Amendments:

July 7, 1995
(61 Fed. Reg. 35452)
Corrections to Subpart CC rules. USEPA corrected the docket number in the Federal Register preamble discussion of December 6, 1994.

July 11, 1995
(61 Fed. Reg. 35703)
Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the biodegradability of sorbent materials for the

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purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.

August 14, 1995
(61 Fed. Reg. 41817)

Notice of revised interpretation of carbonate rules. USEPA revised its interpretation of carbonate rules to determine that wastes from the off-site production of non-carbonate intermediates that are used exclusively in carbonate production are not subject to the carbonate rule.

September 29, 1995
(61 Fed. Reg. 50426)

Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

October 23, 1995
(61 Fed. Reg. 54311)

Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the text of the Envirote Corp. delisting inadvertently deleted when USEPA intended to amend the delisting only to delete the waste from a single source (in Connecticut) on February 8, 1994.

October 30, 1995
(61 Fed. Reg. 55202)

Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that pertains to mixtures of used oil and hazardous waste. That provision regulated mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally-applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.

November 13, 1995
(61 Fed. Reg. 56952)

Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

December 11, 1995
(61 Fed. Reg. 63417)

Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the

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process for permitting facilities that store, treat, or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

The Board did not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period of July 1, 1995 through December 31, 1995. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995, in the prior RCRA Subtitle C update docket, R95-20, adopted June 20, 1996. No further action is required of the Board on those matters. Further, the Board will need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995. The Board is taking action on the federal actions of July 11 and December 11, 1995 in this consolidated docket.

In addition to the direct revisions to the RCRA Subtitle C regulations during the time period of docket R96-10, USEPA amended the federal water pollution control regulations during the period July 11, 1995 through December 31, 1995 in a way that would affect the Illinois RCRA Subtitle C rules. These federal actions revised analytical methods of 40 CFR 136, as follows:

Federal Action	Summary
August 2, 1995 (61 Fed. Reg. 39586)	USEPA added a disk extraction method for testing wastewater for chlorinated pesticides and PCBs.
August 28, 1995 (61 Fed. Reg. 44670)	USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater.
October 16, 1995 (61 Fed. Reg. 53529)	USEPA added whole effluent toxicity testing to the approved methods.

The methods codified in 40 CFR 136 are incorporated by reference at Section 720.111 of the Illinois RCRA Subtitle C rules for the purposes of the hazardous waste and underground injection control regulations. The Board updated the incorporations by updating to the 1996 edition of the Code of Federal Regulations.

Docket R97-5: January 1, 1996, through June 30, 1996, RCRA Subtitle C Amendments

Federal Action	Summary
February 9, 1996 (61 Fed. Reg. 4903)	Summary Subpart CC organic material emissions Standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994 Subpart CC

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organic material emission standards applicable to tanks, containers, and surface impoundments, containing hazardous waste.

Relating to federal authorization of Illinois Program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.

Correction to exclusion for recovered oil reentered into refining process. USEPA excluded an error in its July 28, 1994 exclusion of recovered oil from the definition of solid waste.

Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste (i.e., ignitability) and removal of the applicable characteristic(s) because of any underlying hazardous waste constituents.

Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in Chemical Waste Management, Inc. v. EPA, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994 Phase III LDRs that were also overruled by Pub. L. 104-119.

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and

March 15, 1996
(61 Fed. Reg. 10684)

March 26, 1996
(61 Fed. Reg. 13103)

April 8, 1996
(61 Fed. Reg. 15596)

April 8, 1996
(61 Fed. Reg. 15662)

April 12, 1996
(61 Fed. Reg. 16309)

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Development (OECD) Council Decision C(92)139.
Phase III LDR corrections (two separate actions). In each action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules.
Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994 Subpart CC organic material emissions requirements until October 6, 1996.
Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996 Phase III LDRs and partial withdrawal.
Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992 used oil mixtures rule in response to a January 19, 1996 vacatur in *Safety-Kleen Corp. v. EPA*, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995 administrative stay of the rule.

As with the previous docket time-frame, the Board will not need to act on certain of the January 1, 1996 through June 30, 1996, federal RCRA Subtitle C amendments. The Board dealt with the federal amendments of June 5, 1996 in docket R95-20 on June 20, 1996. Further, the March 15, 1996 action related to federal authorization of the Illinois RCRA Subtitle C program, which the Board notes in this opinion, but which requires no further action. Finally, as discussed below, the June 28, 1996 federal action requires no action because it reversed the federal amendments of October 30, 1995 described above.

Later Federal Actions

A small number of federal amendments to the RCRA Subtitle C regulations directly affect the subject matter involved in this docket by virtue of the amendments included in R96-10 and R97-5. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1, 1996 through December 31, 1996. These include the following federal actions:

Federal Action

July 10, 1996
(61 Fed. Reg. 36419)
August 26, 1996
(61 Fed. Reg. 43923)
Summary
Corrections to the Phase III LDRs.
A minor correction to one of its April 8, 1996 actions.
Emergency revision of the Phase III LDRs.
USEPA adopted an emergency amendment to make technical corrections to the carbamate waste

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November 25, 1996
(61 Fed. Reg. 59931)

provisions included with the Phase III LDRs.
Final Amendments to the "Subpart CC" rules.
USEPA adopted final amendments to its December 6, 1994 organic material emissions rules applicable to hazardous waste tanks, containers, and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5, for the period January 1, 1997 through June 30, 1997 are the following:

Federal Action

January 14, 1997
(62 Fed. Reg. 9991)

Summary
Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

February 19, 1997
(62 Fed. Reg. 7501)

Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996 actions amending these tables.

May 12, 1997
(62 Fed. Reg. 25997)

Adoption of the Phase IV LDRs. USEPA adopted the Phase IV LDRs, among other amendments. (On July 16, 1997, the Board received a motion from the Peoria Disposal Company to expedite on narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.)
Amendment of carbamate waste listings in response to a judicial remand. USEPA deleted a number of carbamate waste listings in response to the remand in *Dithiocarbamate Task Force v. EPA*, 98 F.3d 1394 (D.C. Cir. 1996).

June 17, 1997
(62 Fed. Reg. 32973)

Finally, the Board has included a single action from the update period July 1, 1997 through December 31, 1997 for which there is no docket presently reserved. That action is the following:

Federal Action

Summary

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July 14, 1997
(62 Fed. Reg. 37693)
Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Docket R97-3: January 1, 1996, through June 30, 1996, UIC Amendments

Federal Action

Summary

Phase III land disposal restrictions (LDRs).

April 8, 1996
(61 Fed. Reg. 15596)

April 30, 1996
(61 Fed. Reg. 19117)

June 28, 1996
(61 Fed. Reg. 33680)

Specifically, the amendments to Part 728 implement major aspects of the federal Phase III land disposal restriction (LDR) and carbamate waste rules. They include the narrow recordkeeping aspect of the Phase IV LDR rules that the Board included in this consolidated docket at the request of a regulated facility. The Board further used this opportunity to make a number of non-substantive corrective and editorial amendments to the existing text of Part 728.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge

Attorney

Illinois Pollution Control Board

100 W. Randolph

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312-814-6924

Request copies of the Board's opinion and order of November 6, 1997 from Victoria Ayresman, at the above address, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728

LAND DISPOSAL RESTRICTIONS

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728.102	Dilution Prohibited as a Substitute for Treatment
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SUBPART C: PROHIBITION ON LAND DISPOSAL

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Class. I Nonhazardous Waste Injection Wells Treatment Standards: Spent Aluminum Polymers, and Carbonate Wastes ~~Statutory Prohibitions~~

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AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

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SOURCE: Adopted in R87-5 at 111. Reg. 19354, effective November 12, 1987; amended in R87-39 at 111. Reg. 13046, effective July 29, 1988; amended in R89-1 at 111. Reg. 18403, effective November 13, 1989; amended in R89-9 at 111. Reg. 0232, effective April 16, 1990; amended in R90-2 at 111. Reg. 14470, effective August 22, 1990; amended in R90-10 at 111. Reg. 16508, effective September 23, 1990; amended in R90-11 at 111. Reg. 9462, effective June 17, 1991; amended in R90-21 at 111. Reg. 11937, effective August 12, 1991; amendment withdrawn at 111. Reg. 14716, October 11, 1991; amended in R91-1 at 111. Reg. 9619, effective June 9, 1992; amended in R92-10 at 111. Reg. 5727, effective March 26, 1993; amended in R93-4 at 111. Reg. 6799, 20692, effective November 22, 1993; amended in R94-7 at 111. Reg. 12203, effective February 11, 1994; amended in R94-17 at 111. Reg. 17563, effective November 23, 1994; amended in R95-6 at 111. Reg. 9660, effective June 27, 1995; amended in R95-20 at 111. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 111. Reg. 11100, effective August 1, 1996; effective

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SUBPART A: GENERAL

Section 728.101 Purpose, Scope and Applicability

- This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.
 - Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons that generate or transport hazardous waste treatment, storage, and disposal facilities.
 - Restricted wastes may continue to be land disposed as follows:
 - Where persons have been granted an extension to the effective date of a prohibition under Subpart C or pursuant to Section 728.105, with respect to those wastes covered by the extension;
 - Where persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
 - A waste that is hazardous only because it exhibits they exhibit a hazardous characteristic of hazardous waste and that is otherwise prohibited from-land-disposal under this Part is are not prohibited from-land-disposal if the waste wastes:
 - Is disposed into a nonhazardous or hazardous waste injection well, as defined in 35 Ill. Adm. Code 704.106(a); and
 - Does not exhibit any prohibited characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C at the point of injection;⁷ and
- e) if--at-the-point-of-generation--the injected-wastes-include

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B001-high-008--subcategory--wastes-of--B012-B017--pesticide wastes--that--are-prohibited-under-Section-728-117(c)--those wastes-have-been-treated-to-meet-the-treatment-standards-of Section-728-140-prior-to-injection

4) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited under this Part is not prohibited if the waste meets any of the following criteria, unless the waste is subject to a specified method of treatment other than DEACT in Section 728-140 or is 0003 reactive cyanide:

- The waste is managed in a treatment system which subsequently discharges to waters of the U.S. pursuant to a permit issued under 35 Ill. Adm. Code 309; or
- The waste is treated for purposes of the pretreatment requirements of 35 Ill. Adm. Code 307 and 310; or
- The waste is managed in a zero discharge system engaged in Clean Water Act-equivalent treatment, as defined in Section 728-137(a); and
- The waste no longer exhibits a prohibited characteristic of hazardous waste at the point of land disposal (i.e., placement in a surface impoundment).

d) This Part does not affect the availability of a waiver under Section 11(d)(4) of the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA) (42 U.S.C. Sections 9601 et seq.).

e) The following hazardous wastes are not subject to any provision of this Part:

- Wastes generated by small quantity generators of less than 100 kg of non-acute hazardous waste or less than 1 kg of acute hazardous waste per month, as defined in 35 Ill. Adm. Code 721.105;
- Waste pesticides that a farmer disposes of pursuant to 35 Ill. Adm. Code 722.170;
- Wastes identified or listed as hazardous after November 8, 1984, for which US EPA has not promulgated land disposal prohibitions or treatment standards; or
- De minimis losses of waste that exhibits a characteristic of hazardous waste to wastewater treatment systems of commercial chemical product or chemical intermediates that are ignitable--(B001)--or--corrosive--(B002)--or--that--are--organic constituents--that--exhibit--the--characteristic--of--toxicity (B012-B043)--and--that--contain--underlying--hazardous--constituents as defined in Section 728-140--of this Part are not considered to be prohibited waste and are defined as follows: wastes--as--defined--as--losses

- Losses from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from

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well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinse water from empty containers or from containers that are rendered empty by that rinsing; and laboratory waste that does not exceed one percent of the total flow of wastewater into the facility's headworks on an annual basis, or with a combined annualized average concentration not exceeding one part per million (ppm) in the headworks of the facility's wastewater treatment or pretreatment facility; or

B) Decharacterized waste that is injected into Class I nonhazardous wells in which the decharacterized waste's combined volume is less than one percent of the total flow at the wellhead on an annualized basis and no greater than 10,000 gallons per day, and in which any underlying hazardous constituents in the characterizing waste are present at the point of generation at levels less than 10 times the treatment standards found at Section 728-148.

- Land disposal prohibitions for hazardous characteristic wastes do not apply to laboratory wastes displaying the characteristic of ignitability (D001), corrosivity (D002), or organic toxicity (D012 through D043) that are mixed with other plant wastewaters at facilities whose ultimate discharge is subject to regulations under the CWA (including wastewaters at facilities that have eliminated the discharge of wastewater), provided that the annualized flow of laboratory wastewater into the facility's headwork does not exceed one percent or that the laboratory wastes' combined annualized average concentration does not exceed one part per million in the facility's headwork (as defined in 35 Ill. Adm. Code 720-110) is exempt from Sections 728-107 and 728-150 for the hazardous wastes listed below. Such a handler or transporter is subject to regulation under 35 Ill. Adm. Code 733.

- Batteries, as described in 35 Ill. Adm. Code 733.102;
 - Pesticides, as described in 35 Ill. Adm. Code 733.103; and
 - Thermostats, as described in 35 Ill. Adm. Code 733.104.
- g) This part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code 729. The Environmental Protection Agency (Agency) shall not issue a waste-stream authorization pursuant to 35 Ill. Adm. Code 709 or Sections 22.6 or 39(h) of the Environmental Protection Act (415 ILCS 5/22.6 or 39(h)) unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.

(Source: Amended at 22 Ill. Reg. 7-1-87, effective December 1, 1987)

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When used in this Part the following terms have the meanings given below. All other terms have the meanings given under 35 Ill. Adm. Code 720.110, 720.119, 720.127 or 721.102 through 721.104 ##1-199.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Environmental Control Board.

"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.)

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is: a manufactured object; plant or animal matter; or natural geologic material. However, the following materials are not debris: any material which a specific treatment standard is provided in 720-Subpart D of this Part, namely lead acid batteries, cadmium batteries, and lead-acid cell process residuals, such as sludges, and sludges from the treatment of waste water, wastewater, sludges, or air emission residues and their containers of hazardous waste that are not ruptured and that retain at least 75% of their original volume. A mixture of debris that has not been treated to the standards provided by Section 728.145 of this Part and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

"End-of-pipe" refers to the point where effluent is discharged to the environment.

"Halogenated organic compounds" or "HOCs" means those compounds having a carbon-halogen bond that are listed under Appendix C.

"Hazardous constituent or constituents" means those constituents listed in 35 Ill. Adm. Code 721-Appendix H.

"Hazardous debris" means debris that contains a hazardous waste listed in 35 Ill. Adm. Code 721-Subpart D or that exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721-Subpart C.

"Inorganic metal-bearing waste" is one for which USEPA has established treatment standards for metal hazardous constituents that does not otherwise contain significant organic or cyanide content, as described in Section 728.103(b)(1), and which is specifically listed in Section 728-Appendix K.

"Inorganic solid debris" Solid-Debris are nonfriable inorganic

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solids that are incapable of passing through a 9.5 mm standard sieve and that require cutting or crushing or grinding in mechanical sizing equipment prior to stabilization, limited to the following inorganic or metal materials:

Metal slags (either dross or scoria).

Classified slag.

Glass.

Concrete (excluding cementitious or pozzolanic stabilized hazardous wastes).

Masonry and refractory bricks.

Metal cans, containers, drums, or tanks.

Metal nuts, bolts, pipes, pumps, valves, appliances, or industrial equipment.

Scrap metal, as defined in 35 Ill. Adm. Code 721.101(c)(6).

"Land disposal" means placement in or on the land, except in a corrective action management unit, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine, or cave or placement in a concrete vault or bunker intended for disposal purposes.

"Nonwastewaters" are wastes that do not meet the criteria for "wastewaters" in this Section.

"Polychlorinated biphenyls" or "PCBs" are halogenated organic compounds defined in accordance with 40 CFR 761.3, incorporated by reference in 35 Ill. Adm. Code 720.111.

"ppm" means parts per million.

"RCRA corrective action" means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, 40 CFR 264.100 or 265.93 (1996) #19947, or similar regulations in other States with RCRA programs authorized by USEPA 9-5-PPA pursuant to 40 CFR 271 (1996) #19947.

"Stormwater impoundments" are surface impoundments that receive wet weather flow and which receive process waste only during wet

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weather events.

"Underlying hazardous constituent" means any regulated constituent listed in Section 728-Table D, Universal Treatment Standards, except for fluoride, cyanide and cyanide salts. Standardly, by exposure to be treated at the point of generation of the hazardous waste, at a concentration above the constituent-specific UTS treatment standard.

"U.S. EPA" or "USEPA" means the United States Environmental Protection Agency.

"Wastewater" are wastes that contain less than 1% by weight total organic carbon (TOC) and less than 1% by weight total suspended solids (TSS), with the following exceptions:

P001-P002-P003-P004-P005-solvent-water mixtures that contain less than 1% by weight W001 or less than 1% by weight total P001-P002-P003-P004-P005-solvent-constituents listed in Table A;

R011-R013-P004-P005-wastewaters (as generated) that contain less than 5% by weight W001 and less than 1% by weight W002;

R103 and R104-wastewaters contain less than 1% by weight W001 and less than 1% by weight W002;

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 728.103 Dilution Prohibited as a Substitute for Treatment

a) Except as provided in subsection (b) of this Section below, no generator, transporter, handler or owner or operator of a treatment, storage, or disposal facility shall in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with Subpart D of this Part, to circumvent the effective date of a prohibition in Subpart C of this Part, to otherwise avoid a prohibition in Subpart C of this Part, or to circumvent a land disposal restriction imposed by RCRA section 3004.

b) Dilution of waste wastes that is are hazardous only because it exhibits they-exhibit a characteristic of hazardous waste in a treatment system that which treats wastes subsequently discharged to a water of the State pursuant to an NPDES permit issued under 35 Ill. Adm. Code 309, that treats wastes in a CWA-equivalent treatment system, that or-which treats wastes for purposes of pretreatment requirements under 35 Ill. Adm. Code 310 is not impermissible dilution

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for purposes of this Section unless a method other than DEACT has been specified in Section 728.140 as the treatment standard in Section 728-1427 or unless the waste is a D003 reactive cyanide wastewater or nonwastewater.

c) Combustion of waste designated by any of the USEPA hazardous waste codes listed in Section 728-Appendix J is prohibited, unless the waste can be demonstrated to comply with one or more of the following criteria at the point of generation or after any bona fide treatment, such as cyanide destruction prior to combustion (unless otherwise specifically prohibited from combustion):

- 1) The waste contains hazardous organic constituents or cyanide at levels exceeding the constituent-specific treatment standard found in Section 728.148;
- 2) The waste consists of organic, debris-like materials (e.g., wood, paper, plastic, or cloth) contaminated with an inorganic metal-bearing hazardous waste;
- 3) The waste has reasonable heating value, such as greater than or equal to 5000 BTU per pound, at the point of generation;
- 4) The waste is co-generated with wastes for which combustion is a required method of treatment;
- 5) The waste is subject to any federal or state requirements necessitating reduction of organics (including biological agents); or
- 6) The waste contains greater than one percent Total Organic Carbon (TOC).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 728.107 Waste Analysis and Recordkeeping

a) Except as specified in Section 728.132, where a generator's waste is listed in 35 Ill. Adm. Code 721-Subpart D or if the waste exhibits one or more of the characteristics set out at 35 Ill. Adm. Code 721-Subpart C, the generator shall test its waste, or test an extract using the Toxicity Characteristic Leaching Procedure, Method 1311, in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA 816-S-846, as incorporated by reference in 35 Ill. Adm. Code 720.111, or use knowledge of the waste to determine if the waste is restricted from land disposal under this Part. If the generator determines that its waste displays the characteristic of ignitability (D001) (and is not in the High TOC Ignitable Liquids Subcategory or is not treated by CMBSST or ROGOS of Section 728-Table C of this Part), or the waste displays the characteristic of corrosivity (D002), reactivity (D003), or organic toxicity (D012 through D043), and the waste is prohibited under Sections 728.137, or-the waste-displays-the-characteristic-of-organic-toxicity-(D012-0403)-and is-prohibited-under Section 728.138, and 728.139, the generator shall

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determine what underlying hazardous constituents (as defined in Section 728.102), are reasonably expected to be present in the D001, D002, D003, or D012 through D043 waste.

- 1) If a generator determines that it is managing a restricted waste under this Part and the waste does not meet the applicable treatment standards set forth in 728-Subpart D of this Part or exceeds the applicable prohibition levels set forth in Section 728.132 or 728.139, the generator shall send a one-time written notice to each notify the treatment or storage facility in writing with the initial each prohibition level. No further notification is necessary until such time that the waste or facility changes, in which case a new notification must be sent and a copy placed in the generator's file. The notice must include the following information:

- A) USEPA 915-BPA hazardous waste number;
- B) The waste constituents that the treater will monitor, if monitoring will not include all regulated constituents, for wastes F001 through F005, F039, D001, D002, D003, and D012 through D043; and--wastes--prohibited--pursuant--to--Section 728-132--or--Section--3004(d)--of--the--Resource--Conservation--and--Recovery--Act;--referenced--in--Section--728-139. The generator must also include whether the waste is a nonwastewater or wastewater (as defined in Section 728.102 (d) and (f)) and indicate the subcategory of the waste (such as "D003 reactive cyanide") if applicable;
- C) The manifest number associated with the shipment of waste;
- D) For hazardous debris, the constituent subject to treatment, as provided in Section 728.145(b), and the following statement: "This hazardous debris is subject to the alternative treatment standards of 35 Ill. Adm. Code 728.145;" and
- E) Waste analysis data, where available; and

2) The date on which the waste is subject to the prohibitions.

- 2) If a generator determines that it is managing a restricted waste under this Part and determines that the waste can be land disposed without further treatment, with the initial each shipment of waste the generator shall submit a one-time written notice and a certification to each the treatment, storage, or land disposal facility stating that the waste meets the applicable treatment standards set forth in 728-Subpart D of this Part and setting forth the applicable prohibition levels set forth in Section 728.132 or RCRA Section 3004(d), referenced in Section 728.139. A generator of hazardous debris that is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e)(2), 35 Ill. Adm. Code 728.103(f)(2), or 35 Ill. Adm. Code 720.122 (i.e. debris that is delisted), however, is not subject to these notification and certification requirements. If the waste changes, the generator certification requirements.

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shall send a new notice and certification to the receiving facility, and place a copy in its files.

- A) The notice must include the following information:
 - 1) USEPA 915-BPA hazardous waste number;
 - 2) The waste constituents that the treater will monitor, if monitoring will not include all regulated constituents, for wastes F001 through F005, F039, D001, D002, D003, and D012 through D043; and--wastes--prohibited--pursuant--to--Section--728-132--or--Section 3004(d)--of--the--Resource--Conservation--and--Recovery--Act;--referenced--in--Section--728-139. The generator must also include whether the waste is a wastewater or nonwastewater (as defined in Section 728.102(d) and (f)) and indicate the subcategory of the waste (such as "D003 reactive cyanide"), if applicable;
 - 3) The manifest number associated with the shipment of waste, and
 - 4) Waste analysis data, where available.
- B) The certification must be signed by an authorized representative and must state the following: Personally have analyzed and tested through knowledge of the waste through analysis and testing through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 35 Ill. Adm. Code 728-Subpart D of this Part and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132, 728.139, or Section 3004(d) of the Resource Conservation and Recovery Act. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.
- 3) If a generator's waste is subject to an exemption from a prohibition on the type of land disposal method utilized for a waste (such as, but not limited to, a case-by-case extension under Section 728.105, an exemption under Section 728.106, an extension under 40 CFR 268-Subpart C (1996) (19947), the generator shall submit a one-time written notice with the initial each shipment of the waste to each the facility receiving the generator's waste stating that the waste is not prohibited from land disposal. If the waste changes, the generator shall send a new notice and certification to the receiving facility, and place a copy in its files. The notice must include the following information:
 - A) USEPA 915-BPA hazardous waste number;
 - B) The waste constituents that the treater will monitor, if

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monitoring will not include all regulated constituents, for wastes F001 through F005, F039, D001, D002, D003, and D012 through D043. The generator must also include whether the waste is a nonwastewater or wastewater (as defined in Section 728.107(d) and (f)) and indicate the subcategory of the waste (such as "D003 reactive cyanide") if applicable; C) The manifest number associated with the shipment of waste; D) Waste analysis data, where available; E) For hazardous debris, when using the alternative treatment technologies provided by Section 728.145:

- i) The contaminants subject to treatment, as provided by Section 728.145(b);
- ii) An indication that these contaminants are being treated to comply with Section 728.145;

F) For hazardous debris when using the treatment standards for the contaminants listed in Section 728.146, the requirements described in subsections (a)(3)(A) through (a)(3)(D), above and subsection (a)(3)(G) of this Section below; and,

G) The date on which the waste is prohibited to the prohibitions, containers, or containment buildings regulated under 35 Ill. Adm. Code 722.134 and is treating such waste in tanks, containers, or containment buildings to meet applicable treatment standards under 728-Subpart D of this Part, the generator shall develop and follow a written waste analysis plan that describes the procedures the generator will carry out to comply with the treatment standards. (A generator treating hazardous debris under the alternative treatment standards of Section 728-Table F, however, is not subject to these waste analysis requirements.) The plan must be kept on-site in the generator's records, and the following requirements must be met:

- A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited wastes being treated and it must contain all information necessary to treat the wastes in accordance with the requirements of this Part, including the selected testing frequency.
- B) Such plan must be filed with the Agency a minimum of 30 days prior to the treatment activity, with delivery verified.
- C) Wastes shipped off-site pursuant to this subsection must comply with the notification requirements of Section 728.107(a)(2).

5) If a generator determines whether the waste is restricted based solely on the generator's knowledge of the waste, the generator shall retain all supporting data used to make this determination on-site in the generator's files. If a generator determines whether the waste is restricted based on testing the waste or an

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extract developed using the test method described in Appendix A, the generator shall retain all waste analysis data on site in its files.

- 6) If a generator determines, subsequent to the time of generation, that it is managing a restricted waste that is excluded from the definition of hazardous or solid waste or exempt from regulation as a RCRA hazardous waste under 35 Ill. Adm. Code 721.102 through 721.106, the generator shall place, in the facility's file, a one-time notice stating such generation, the subsequent exclusion from the definition of hazardous or solid waste or exemption from regulation as a RCRA hazardous waste, and the disposition of the waste.

7) A generator shall retain on-site a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced pursuant to this Section for at least five years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The five year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity, or as requested by the Agency. The requirements of this subsection apply to solid wastes even when the hazardous characteristic is removed prior to disposal, when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or when the waste is exempted from regulation as a RCRA hazardous waste subsequent to the point of generation.

8) If a generator is managing a lab pack that contains wastes identified in Appendix D and wishes to use the alternative treatment standard under Section 728.142(c), with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1) of this Section above, except that underlying hazardous constituents need not be determined. The generator shall also comply with the requirements in subsections (a)(5) and (a)(6) of this Section above and shall submit the following certification, which must be signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste that the lab pack does not contain any of the wastes identified in 35 Ill. Adm. Code 728-Appendix D. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

9) This subsection corresponds with 40 CFR 268.71(g), marked "reserved" by USFPA 49-55--BPA at 59 Fed. Reg. 48045 (Sept. 19, 1994). This statement maintains structural consistency with federal regulations.

10) Small quantity generators with tolling agreements pursuant to 35

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Ill. Adm. Code 722.120(e) shall comply with the applicable notification and certification requirements of subsection (a) of this Section **above** for the initial shipment of the waste subject to the agreement. Such generators shall retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended following notification pursuant to Section 31(d) of the Environmental Protection Act until either any subsequent enforcement action is resolved or until the Agency notifies the generator documents need not be retained.

b) Treatment facilities shall test their wastes according to the frequency specified in the waste analysis plans, as required by 35 Ill. Adm. Code 724.113 or 725.113. Such testing must be performed as provided in subsections (b)(1), (b)(2), and (b)(3) of this Section **below**.

1) For wastes with treatment standards expressed as concentrations in the waste extract (Section 728.141), the owner or operator of the treatment facility shall test the treatment residues or an extract of such residues developed using the test method described in Appendix A to assure that the treatment residues or extract meet the applicable treatment standards.

2) For wastes prohibited under Section 728.132 or 728.139 that are not subject to any treatment standards under 728-Subpart D of this Part, the owner or operator of the treatment facility shall test the treatment residues according to the generator testing requirements specified in Section 728.132 to assure that the treatment residues comply with the applicable prohibitions.

3) For wastes with treatment standards expressed as concentrations in the waste (Section 728.143), the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.

4) A notice must be sent with the initial **each** waste shipment to each the land disposal facility that includes the following information, except that debris excluded from the definition of the hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology provided by Section 728-Table F, and debris that is delisted) is subject to the notification **notification** and certification **requirements** requirements of subsection (d) of this Section **below** rather than these notification **requirements** requirements. No further notification is necessary until such time that the waste or receiving facility change, in which case a new notice must be sent and a copy placed in the treatment facility's file.⁷

A) USEPA HRS--BPA hazardous waste number;

B) The waste constituents that the treater will monitor **to-be monitored**, if monitoring will not include all regulated

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constituents, for wastes F001 through F005, F039, F001, D002, D003, and D012 through D043; **and wastes prohibited pursuant to Section 728.139 or Section 304(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139**. The generator must also include whether the waste is a nonwastewater or wastewater (as defined in Section 728.102(d) or (f)) and indicate the subcategory of the waste (such as "D003 reactive granule cymides"); if applicable;

C) The manifest number associated with the shipment of waste; and

D) Waste analysis data, where available.

5) The treatment facility, generator, or operator shall submit a certification with each shipment of waste or treatment residue of restricted waste to the land disposal facility stating that the waste treatment residue has been treated in compliance with the treatment standards specified in 728-Subpart D of this Part and the applicable prohibitions set forth in Section 728.132 or 728.139. Debris excluded from the definition **definition** of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology provided by Section 728-Table F, and debris that is delisted), however, is subject to the **notification** notification and **certification** certification requirements of subsection (d) of this Section **below** rather than the certification requirements of this subsection.

A) For wastes with treatment standards expressed as concentrations in the waste extract or in the waste (Sections 728.141 or 728.143), or for wastes prohibited under Section 728.132 or 728.139 that are not subject to any treatment standards under 728-Subpart D of this Part, the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I have personally examined an facility with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly, so as to comply with the performance levels specified in 35 Ill. Adm. Code 728-Subpart D of this Part and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132 or 728.139 or section 304(d) of the Resource Conservation and Recovery Act without impermissible dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the

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possibility of fine and imprisonment.

- B) For wastes with treatment standards expressed as technologies (Section 728.142), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.142. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- C) For wastes with treatment standards expressed as concentrations in the waste pursuant to Section 728.143, if compliance with the treatment standards in 728-Subpart D of this Part is based in part or in whole on the analytical detection limit alternative specified in Section 728.143(c), the certification also must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated in accordance with the requirements of 35 Ill. Adm. Code 728.143. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- D) For characteristic wastes D001, D002, D003, and D012 through D043 that are subject to the treatment standards in Section 728.140 (other than those expressed as a required method of treatment), that are reasonably expected to contain underlying hazardous constituents (as defined in Section 728.102(1)), that are treated on-site to remove the hazardous characteristic, and that are then sent off-site for treatment of underlying hazardous constituents, the certification must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 to remove the hazardous characteristic. This decharacterized waste contains

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underlying hazardous constituents that require further treatment to meet universal treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- E) For characteristic wastes D001, D002, D003, and D012 through D043 that contain underlying hazardous constituents, as defined in Section 728.102(1), and which are treated on-site to remove the hazardous characteristic and to treat underlying hazardous constituents to levels set forth in the Sections 728.148 and 728-Table U Universal Treatment Standards, the certification must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 to remove the hazardous constituents, and that underlying hazardous constituents, as defined in Section 728.102, have been treated on-site to meet the Sections 728.148 and 728-Table U Universal Treatment Standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- 6) If the waste or treatment residue will be further managed at a different treatment or storage facility, the treatment, storage, or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.

- 7) Wastes and treatment residue must be managed in a manner constituting disposal in accordance with the provisions of 35 Ill. Adm. Code 726.120(b) regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) is not required to notify the receiving facility pursuant to subsection (b)(4) of this Section above. With each shipment of such wastes the owner or operator of the recycling facility shall submit a certification described in subsection (b)(5) of this Section above and a notice that includes the information listed in subsection (b)(4) of this Section above (except the manifest number) to the Agency. The recycling facility also shall keep records of the name and location of each entity receiving the hazardous waste-derived product.

- c) Except where the owner or operator is aware that a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall:

- 1) Have copies of the notice and certification specified in subsection (a) or (b) of this Section above and the certification specified in Section 728.108, if applicable.

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- 2) Test the waste, or an extract of the waste or treatment residue developed using the test method described in Appendix A or using any methods required by generators under Section 728.132, to assure that the wastes or treatment residues are in compliance with the applicable treatment standards set forth in 728-Subpart D of this Part and all applicable prohibitions set forth in Sections 728.132 or 728.139. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 725.113.
- 3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f), but not subject to the prohibitions set forth in Section 728.132, the owner or operator shall ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.103(b)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.
- 4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (c)(3) of this Section above, with respect to such waste.
- d) A generator or treaters that first claims that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology provided by Section 728-Table F, and debris that has been delisted) is subject to the following notification and certification requirements:

- 1) A one-time notification must be submitted to the Agency including the following information:
 - A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the treated debris;
 - B) A description of the hazardous debris as initially generated, including the applicable USEPA H-S-BPA hazardous waste numbers; and
 - C) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1) 728-9034722, the technology from Section 728-Table F used to treat the debris.
- 2) The notification must be updated if the debris is shipped to a different facility and, for debris excluded 35 Ill. Adm. Code 721.2(d)(1), if a different type of debris is treated or if a different technology is used to treat the debris.
- 3) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1) 728-9034722, the owner or operator of the treatment facility

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shall document and certify compliance with the treatment standards of Section 728-Table F, as follows:

- A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;
- B) Records must be kept of any data or information the treaters obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and
- C) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state the following:
 "I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment."

(Source: Amended at 22 Ill. Reg. _____, effective _____)
 (11/1/1999)

Section 728.109 Special Rules for Characteristic Wastes

- a) The initial generator of a solid waste shall determine each USEPA H-S-BPA hazardous waste number (waste code) applicable to the waste in order to determine the applicable treatment standards under 728-Subpart D of this Part. For purposes of this Part, the waste must carry the waste code for any applicable listing under 35 Ill. Adm. Code 721-Subpart D. In addition, the waste must carry one or more of the waste codes under 35 Ill. Adm. Code 721-Subpart C where the waste exhibits a characteristic, except in the case when the treatment standard for the waste code listed in 35 Ill. Adm. Code 721-Subpart D operates in lieu of the standard for the waste code under 35 Ill. Adm. Code 721-Subpart C, as specified in subsection (b) of this Section below. If the generator determines that its waste displays a the characteristic of hazardous waste ignitability-100047 (and the waste is not a D004 through D011 waste, a in-the-High TOC D001 waste, and ignitable-liquids-Subcategory-or is treated by CMBSST or ROGSS7, as described in Section 728-Table C), that-its-waste-displays-the characteristic-of-corrosivity-100027-and-is-prohibited-under-Section 728-9043722-that-its-waste-displays-the-characteristic-of-toxicity-100127 through-9043722-and-is-prohibited-under-Section-728-4307 the generator shall determine what underlying hazardous constituents (as defined in Section 728.102) are reasonably expected to be present above the universal treatment standards set forth in Sections 728.118 and 728-Table U in-the-90047-90027-or-90127-through-9043722-waste.
- b) Where a prohibited waste is both listed under 35 Ill. Adm. Code 721-Subpart D and exhibits a characteristic under 35 Ill. Adm. Code

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721.Subpart C, the treatment standard for the waste code listed in 35 111. Adm. Code 721.Subpart D will operate in lieu of the standard for the waste code under 35 111. Adm. Code 721.Subpart C, provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste must meet the treatment standards for all applicable listed and characteristic waste codes.

c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste that exhibits a characteristic under 35 111. Adm. Code 721.Subpart C shall be land disposed unless the waste complies with the treatment standards under 728.Subpart D of this Part.

d) A waste that exhibits a characteristic is also subject to Section 728.107 requirements, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator's or treater's files and sent to the Agency, except for those facilities described in subsection (f) below. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes or if the subtitle D facility receiving the waste changes. However, the generator or treater need only notify the Agency a second time if such changes occur. Such notification and certification should be sent to the Agency by the end of the year, but no later than December 31.

1) The notification must include the following information:

A) For a characteristic waste other than one managed on site in a wastewater treatment system subject to the federal Clean Water Act (CWA), a zero-discharger engaged in CWA-equivalent treatment, or a Class I nonhazardous waste injection well, the name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste shipment; and

B) For a waste that exhibits a characteristic of hazardous waste, a description of the waste as initially generated, including the applicable USEPA 405-BPA hazardous waste numbers, the treatability group(s), and the underlying hazardous constituents (as defined in Section 728.102(f)) in 9001-end-9009-wastes-prohibited-under-Section-728.107-or 9012-through-9043-wastes-prohibited-under-Section-728.107.

2) The certification must be signed by an authorized representative and must state the language found in Section 728.107(b)(5)(A). If treatment removes the characteristic but does not treat underlying hazardous constituents, then the certification found in Section 728.107(b)(5)(D) applies.

3) For a characteristic waste whose ultimate disposal will be into a Class I nonhazardous waste injection well, and for which compliance with the treatment standards set forth in Sections 728.107 and 728.108 for underlying hazardous constituents is

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achieved through pollution prevention that meets the criteria set forth at 35 111. Adm. Code 728.101(d), the following information must also be included:

- A description of the pollution prevention mechanism and when it was implemented if already complete;
- The mass of each underlying hazardous constituent before pollution prevention;
- The mass of each underlying hazardous constituent that must be removed, adjusted to reflect variations in mass due to normal operating conditions; and
- The mass reduction of each underlying hazardous constituent that is achieved.

e) For a decharacterized waste managed on-site in a wastewater treatment system subject to the federal Clean Water Act (CWA) or zero-dischargers engaged in CWA-equivalent treatment, compliance with the treatment standards set forth in Sections 728.107 and 728.108 must be monitored quarterly, unless the treatment is aggressive biological treatment, in which case compliance must be monitored annually. Monitoring results must be kept in on-site files for 3 years.

f) For a decharacterized waste managed on-site in a wastewater treatment system subject to the federal Clean Water Act (CWA) for which all underlying hazardous constituents (as defined in Section 728.102) are addressed by a CWA permit, this compliance must be documented and this documentation must be kept in on-site files.

g) For a characteristic waste whose ultimate disposal will be into a Class I nonhazardous waste injection well that qualified for the de minimis exclusion described in Section 728.101, information supporting that qualification must be kept in on-site files.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section 728.110 First Third (Repealed)

The Board incorporates by reference 40--CFR--260.10--(1991)---This Section incorporates no later editions or amendments:

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 728.111 Second Third (Repealed)

The Board incorporates by reference 40--CFR--260.11--(1991)---This Section incorporates no later editions or amendments:

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(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 728.112 Third Third (Repealed)

The Board incorporates by reference 40-CFR-260.12--(1997)---This Section incorporates no later editions or amendments:

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.139 Waste-Specific Prohibitions: End-of-pipe CWA, CWA-Equivalent, and Class I Nonhazardous Waste Injection Well Treatment Standards: Spent Aluminum Potliners, and Carbanate Waste Battery Prohibitions

- a) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA Hazardous Waste numbers K156-K159 and K161; and in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers P127, P128, P185, P186 through P192, P194, P196 through P199, P201 through P209, U271, U276 through U280, U364, U367, U372, U373, U387, U389, U394, U404, and U409 through U411, are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.
- b) The wastes identified in 35 Ill. Adm. Code 721.123 as USEPA hazardous waste numbers D003 are prohibited from land disposal, other than those that are Class I waste systems whose discharges are regulated under 35 Ill. Adm. Code Subpart C, which are regulated under 35 Ill. Adm. Code 702.704. The wastes identified in 35 Ill. Adm. Code 702.704 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.
- c) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers K088 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.
- d) Effective April 8, 1998, radioactive wastes mixed with waste designated by any of USEPA hazardous waste numbers K088, K156 through K159, K161, P127, P128, P185, P186 through P192, P194, P196 through P199, P201 through P209, U271, U276 through U280, U364, U367, U372, U373, U387, U389, U394, U395, U404, and U409 through U411 are prohibited from land disposal. In addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.
- e) Until April 8, 1998, the wastes included in subsections (a), (b), (c),

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and (d) of this Section may be disposed in a landfill or surface impoundment only if such unit complies with the requirements of Section 728.105(h)(12).

f) The requirements of subsections (a), (b), (c), and (d) of this Section do not apply if:

- 1) The wastes meet the applicable treatment standards specified in Subpart D of this Part;
- 2) The person conducting the disposal has been granted an exemption from a prohibition under a petition pursuant to Section 728.106, with respect to those wastes and units covered by the petition;
- 3) The wastes meet the applicable alternative treatment standards established pursuant to a petition granted under Section 728.144; or
- 4) The person conducting the disposal has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.

g) To determine whether a hazardous waste identified in Section 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending upon whether the treatment standards are expressed as concentrations or as percentages of the waste. The generator must have sufficient knowledge of the waste or, in the case of chemicals in excess of the applicable 728 Subpart D levels, the waste is prohibited from land disposal, and all requirements of this Part are applicable to the waste, except as otherwise specified.

No person shall cause, threaten or allow the land disposal of any waste in violation of Section 3904 of the Resource Conservation and Recovery Act incorporated by reference in 35 Ill. Adm. Code 729.0117.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART D: TREATMENT STANDARDS

Section 728.140 Applicability of Treatment Standards

- a) A prohibited waste identified in Section 728 Table T, "Treatment Standards for Hazardous Wastes", may be land disposed only if it meets the requirements found in that Section. For each waste, Section 728 Table T identifies one of three types of treatment standard requirements:
 - 1) All hazardous constituents in the waste or in the treatment residue must be at or below the values found in that Section for that waste ("total waste standards");
 - 2) The hazardous constituents in the extract of the waste or in the extract of the treatment residue must be at or below the values found in that Section ("waste extract standards"); or
 - 3) The waste must be treated using the technology specified in that

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Section ("technology standard"), which is described in detail in Section 728, Table C, "Technology Codes and Description of Technology-Based Standards".

- b) For wastewaters, compliance with concentration level standards is based on maximums for any one day, except for D004 through D011 wastes for which the previously promulgated treatment standards based on grab samples remain in effect. For all nonwastewaters, compliance with concentration level standards is based on grab sampling. For wastes covered by the waste extract standards, the test Method 1311, the Toxicity Characteristic Leaching Procedure, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA 816-R-84-010, incorporated by reference in Section 720.111, must be used to measure compliance. An exception is made for D004 and D008, for which either of two test methods may be used: Method 1311 or Method 1310, the Extraction Procedure Toxicity Test, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA 816-R-84-010, incorporated by reference in Section 720.111. For wastes covered by a technology standard, the wastes may be land disposed after being treated using that specified technology or an equivalent treatment technology approved by the Agency pursuant to Section 728.142(b).

- c) When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.

- d) Notwithstanding the prohibitions specified in subsection (a) of this Section above, treatment and disposal facilities may demonstrate and certify pursuant to 35 Ill. Adm. Code 728.107(b)(5)) compliance with the treatment standards for organic constituents specified by a footnote in Section 728, Table T, provided the following conditions are satisfied:

- 1) The treatment standards for the organic constituents were established based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724. Subpart O, or based on combustion in fuel substitution units operating in accordance with applicable technical requirements;
 - 2) The treatment or disposal facility has used the methods referenced in subsection (d)(1) of this Section above to treat the organic constituents; and
 - 3) The treatment or disposal facility may demonstrate compliance with organic constituents if good-faith analytical efforts achieve detection limits for the regulated organic constituents that do not exceed the treatment standards specified in this Section and Section 728, Table T by an order of magnitude.
- e) For characteristic wastes (USEPA 816-R-84-010 hazardous waste numbers D001 through D003 and D018 through 7-B004 and 7-B012 through D043) that are subject to treatment standards set forth in Section 728, Table T, "Treatment Standards for Hazardous Wastes", all underlying hazardous

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constituents (as defined in Section 728.102(i)) must meet the universal treatment standards, set forth in Section 728.144 and 728, Table U prior to land disposal, as defined in Section 728.102(C).

- f) The treatment standards for USEPA 816-R-84-010 hazardous waste numbers F001 through F005 nonwastewater constituents carbon disulfide, cyclohexanone, or methanol apply to wastes that contain only one, two, or three of these constituents. Compliance is measured for the constituents in the waste extract from test Method 1311, the Toxicity Characteristic Leaching Procedure found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA 816-R-84-010, incorporated by reference in Section 720.111. If the waste contains any of these three constituents along with any of the other 25 constituents found in USEPA 816-R-84-010 hazardous waste numbers F001 through F005, then compliance with treatment standards for carbon disulfide, cyclohexanone, or methanol are not required.

- g) This subsection corresponds with 40 CFR 268.40(g), added at 61 Fed. Reg. 43927 (Aug. 26, 1996), which has expired. This statement maintains structural consistency with the federal rules.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 728.144 Adjustment of Treatment Standard

- a) Where the treatment standard is expressed as a concentration in a waste or waste extract and a waste cannot be treated to the specified level, or where the treatment technology is not appropriate for the waste, the generator or treatment facility may petition the Board for an adjusted standard. A justification of the petition shall demonstrate that, because the physical or chemical properties of the waste differ significantly from wastes analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified methods.
- BOARD NOTE: 40 CFR 269.41 refers to these as "treatability variances". The Board has not used this term in its rules to avoid confusion with the Board variances under Title IX of the Environmental Protection Act. The equivalent Board procedures are an "adjusted treatment standard" pursuant to subsections (a) through (l), or a "treatability exception" adopted pursuant to subsections (m) et seq. While the latter is adopted by "identical in substance" rulemaking following a USEPA action, the former is an original Board action which will be the only mechanism following authorization to the State of this component of the RCRA program.
- b) Each petition must be submitted in accordance with the procedures in 35 Ill. Adm. Code 106-Subpart G.
- c) Each petition must include the following statement signed by the petitioner or an authorized representative:

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I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

- d) After receiving a petition for an adjusted treatment standard, the Board may require any additional information or samples which are necessary to evaluate the petition.
- e) The Board will give public notice and provide an opportunity for public comment, as provided in 35 Ill. Adm. Code 106. In conjunction with any updating of the RCRA regulations, the Board will maintain, in this Part, a listing of all adjusted treatment standards granted by the Board pursuant to this Section. A listing of all adjusted standards granted pursuant to this section will be published in the Illinois Register and Environmental Protection Act.
- f) A generator, treatment facility or disposal facility that is managing a waste covered by an adjusted treatment standard shall comply with the waste analysis requirements for restricted wastes found under Section 728.107.

g) During the petition review process, the applicant is required to comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.

h) Where the treatment standard is expressed as a concentration in a waste or waste extract and a waste generated under conditions specific to only one site cannot be treated to the specified level, or where treatment technology is not appropriate to the waste, the generator or treatment facility may petition the Board for a site-specific adjusted treatment standard. The petitioner shall demonstrate that, because the physical or chemical properties of the waste differs significantly from the waste analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified methods.

i) Each petition for a site-specific adjusted treatment standard must include the information in 35 Ill. Adm. Code 720.120(b)(1) through (4).

j) After receiving a petition for a site-specific adjusted treatment standard, the Board may request any additional information or samples which the Board determines are necessary to evaluate the petition.

k) A generator, treatment facility or disposal facility which is managing a waste covered by a site-specific adjusted treatment standard shall comply with the waste analysis requirements for restricted wastes in Section 728.107.

l) During the petition review process, the petitioner for a site-specific adjusted treatment standard shall comply with all restrictions on land

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disposal under this Part once the effective date for the waste has been reached.

- m) If US EPA grants a treatability exception by regulatory action pursuant to 40 CFR 266.44 [1996] (1997) and a person demonstrates that the treatability exception needs to be adopted as part of the Illinois RCRA program because the waste is generated or managed in Illinois, the Board will adopt the treatability exception by identical in substance rulemaking pursuant to Section 22.4(a) of the Environmental Protection Act.

BOARD NOTE: The Board will adopt the treatability exception during a Board update docket if a timely demonstration is made. Otherwise, the Board will issue the matter to a separate docket.

- o) The facilities listed in Table H are excluded from the treatment standard under Section 728.143(a) and Table B, and are subject to the constituent concentrations listed in Table H.

(Source: Amended at 22 Ill. Reg. _____ effective _____)

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SUBPART E: PROHIBITIONS ON STORAGE

Section 728, APPENDIX K Metal Bearing Wastes Prohibited From Dilution in a Combustion Unit According to Section 728.103(c)

BOARD NOTE: A combustion unit is defined as any thermal technology subject to 35 Ill. Adm. Code 724.Subpart O, 725.Subpart O, or 726.Subpart H.

Waste code	Waste description
D004	Toxicity Characteristic for Arsenic.
D005	Toxicity Characteristic for Barium.
D006	Toxicity Characteristic for Cadmium.
D007	Toxicity Characteristic for Chromium.
D008	Toxicity Characteristic for Lead.
D009	Toxicity Characteristic for Mercury.
D010	Toxicity Characteristic for Manganese.
D011	Toxicity Characteristic for Silver.
F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating carbon steel; (3) zinc plating on basis on carbon steel; (4) aluminum or zinc plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.
F007	Spent cyanide plating bath solutions from electroplating operations.
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.
F010	Quenching bath residues from oil baths from metal treating operations where cyanides are used in the process.
F011	Spent cyanide solutions from salt bath pot cleaning from metal treating operations.
F012	Quenching waste water treatment sludges from metal heat treating operations where cyanides are used in the process.
F019	Wastewater treatment sludges from the chemical conversion of aluminum except from zinc/aluminum phosphating in a conversion coating process where such phosphating is an exclusive conversion coating process.
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.
K003	Wastewater treatment sludge from the production of molybdate orange pigments.

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K004	Wastewater treatment sludge from the production of zinc yellow pigments.
K005	Wastewater treatment sludge from the production of chrome green pigments.
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).
K007	Wastewater treatment sludge from the production of iron blue pigments.
K008	Oven residue from the production of chrome oxide green pigments.
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.
K069	Emission control dust/sludge from secondary lead smelting.
K071	Brine purification muds from the mercury cell processes in chlorine production, where separately prepurified brine is not used.
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.
K106	Sludges from mercury cell processes for making chlorine.
P010	Arsenic acid H ₃ AsO ₄ .
P011	Arsenic oxide As ₂ O ₃ .
P012	Arsenic trioxide.
P013	Barium cyanide.
P015	Beryllium.
P029	Copper (I) cyanide Cu(CN).
P074	Nickel (II) cyanide Ni(CN) ₂ .
P087	Osmium (VIII) tetroxide OsO ₄ .
P099	Potassium silver cyanide KAg(CN) ₂ .
P104	Silver cyanide AgCN.
P13	Thallium (III) oxide Tl ₂ O ₃ .
P14	Thallium (I) selenite Tl ₂ SeO ₃ .
P15	Thallium (I) sulfate Tl ₂ SO ₄ .
P19	Ammonium (V) oxadate NH ₃ VO ₃ .
P120	Vanadium (V) oxide V ₂ O ₅ .
P121	Zinc cyanide ZnCN.
U022	Calcium chromate CaCrO ₄ .
U032	Lead phosphate.
U145	Mercury.
U151	Selenous acid H ₂ SeO ₃ .
U204	Selenium (IV) disulfide SeS ₂ .
U205	Thallium (I) chloride TlCl.
U216	Thallium (I) nitrate TlNO ₃ .
U217	Thallium (I) nitrate TlNO ₃ .

(Source: Added at 22 Ill. Reg. effective _____)

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Section 728-TABLE C Technology Codes and Description of Technology-Based Standards**Technology**

code Description of technology-based standard

ADGAS Venting of compressed gases into an absorbing or reacting media (i.e., solid or liquid)—venting can be accomplished through physical release utilizing valves or piping; physical penetration of the container; or penetration through detonation.

AMALGM Amalgamation of liquid, elemental mercury contaminated with radioactive materials utilizing inorganic reagents such as copper, zinc, nickel, gold, and sulfur that result in a nonliquid, semi-solid amalgam and thereby reducing potential emissions of elemental mercury vapors to the air.

BIOGD Biodegradation of organics or non-metallic inorganics (i.e., degradable inorganics that contain the elements of phosphorus, nitrogen, and sulfur) in units operated under either aerobic or anaerobic conditions such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC)) and can be used as an indicator parameter for the biodegradation of many organic constituents that cannot be directly analyzed in wastewater residues).

CARBN Carbon adsorption (granulated or powdered) or non-metallic inorganics, organo-metallics, or organic constituents, operated so that a surrogate compound or indicator parameter has not undergone breakthrough (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the adsorption of many organic constituents that cannot be directly analyzed in wastewater residues). Breakthrough occurs when the carbon has become saturated with the constituent (or indicator parameter) and substantial change in adsorption rate associated with that constituent occurs.

CHOXD Chemical or electrolytic oxidation utilizing the following oxidation reagents (or waste reagents) or combinations of reagents:

- 1) hypochlorite (e.g., bleach);
- 2) chlorine;
- 3) chlorine dioxide;
- 4) ozone or UV (ultraviolet light) assisted ozone;
- 5) peroxides;
- 6) persulfates;
- 7) perchlorates;
- 8) permanganates; or

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9) other oxidizing reagents of equivalent efficiency, performed in units operated so that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues). Chemical oxidation specifically includes what is commonly referred to as alkaline chlorination.

CHRED Chemical reduction utilizing the following reducing reagents (or waste reagents) or combinations of reagents:

- 1) sulfur dioxide;
- 2) sodium potassium, or alkali salts of sulfites, bisulfites, metabisulfites, and polyethylene glycols (e.g., NaPEG and KPEG);
- 3) sodium hydrosulfide;
- 4) ferrous salts; or
- 5) other reducing reagents of equivalent efficiency, performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic halogens (TOX) can often be used as an indicator parameter for the reduction of many halogenated organic constituents that cannot be directly analyzed in wastewater residues). Chemical reduction is commonly used for the reduction of hexavalent chromium to the trivalent state.

CMBSB Combustion in incinerators, boilers, or industrial furnaces operated in accordance with the applicable requirements of 35 Ill. Adm. Code 724, Subpart O, 725, Subpart O, or 35 Ill. Adm. Code 726, Subpart H.

DEACT Deactivation to remove the hazardous characteristics of a waste due to its ignitability, corrosivity, or reactivity.

FSUBS Fuel substitution in units operated in accordance with applicable technical operating requirements.

HLVIT Vitrification of high level mixed radioactive wastes in units in compliance with all applicable radioactive protection requirements under control of the federal Nuclear Regulatory Commission.

IMERC Incineration of wastes containing organics and mercury in units operated in accordance with the technical operating requirements of 35 Ill. Adm. Code 724, Subpart O or 725, Subpart O. All wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per waste code with consideration of any applicable subcategories (e.g., high or low mercury subcategories).

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INCIN Incineration in units operated in accordance with the technical operating requirements of 35 Ill. Adm. Code 724.Subpart 0 or 725.Subpart 0.

LDLXT Liquid-liquid extraction (often referred to as solvent extraction) of organics from liquid wastes into an immiscible solvent for which the organics from liquid wastes have a greater solvent affinity, resulting in an extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery or reuse and a raffinate (extracted liquid waste) proportionately low in organics that must undergo further treatment as specified in the standard.

MACRO Macroencapsulation with surface coating materials such as polymeric organics (e.g., resins and plastics) or with a jacket of inert inorganic materials to substantially reduce surface exposure to potential leaching media. Macroencapsulation specifically does not include any material that would be classified as a tank or container according to 35 Ill. Adm. Code 720.110.

NEUTR Neutralization with the following reagents (or waste reagents) or combinations of reagents:

- 1) acids; or
- 2) bases; or
- 3) less than 12.5 as measured in the aqueous residuals.

NLDBR No land disposal based on recycling.

PRECIP Chemical precipitation of metals and other inorganics as insoluble precipitates of oxides, hydroxides, carbonates, sulfides, sulfates, chlorides, fluorides, or phosphates. The following reagents (or waste reagents) are typically used alone or in combination:

- 1) lime (i.e., containing oxides or hydroxides of calcium or magnesium);
- 2) caustic (i.e., sodium or potassium hydroxides);
- 3) soda ash (i.e., sodium carbonate);
- 4) sodium sulfide;
- 5) ferric sulfate or ferric chloride;
- 6) alum; or
- 7) sodium sulfate. Additional flocculating, coagulation, or similar reagents or processes that enhance sludge dewatering characteristics are not precluded from use.

RECRY Thermal recovery of beryllium.

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RCGAS Recovery or reuse of compressed gases including techniques such as repressuring of the gases for reuse or resale; filtering or adsorption of impurities; remixing for direct reuse or resale; and use of the gas as a fuel source.

RCORR Recovery of acids or bases utilizing one or more of the following recovery techniques:

- 1) distillation (i.e., thermal concentration);
- 2) ion exchanger;
- 3) resin or solid adsorption;
- 4) reverse osmosis; or
- 5) incineration for the recovery of acid--

Note: this does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RLEAD Thermal recovery of lead in secondary lead smelters.

RWMERC Retorting or roasting in a thermal processing unit capable of volatilizing mercury and subsequently condensing the volatilized mercury for recovery. The retorting or roasting unit (or facility) must be subject to one or more of the following:

- a) A national emissions standard for hazardous air pollutants (NESHAP) for mercury (40 CFR 61, Subpart E);
- b) A best available control technology (BACT) or a lowest achievable emission rate (LAER) standard for mercury imposed pursuant to a prevention of significant deterioration (PSD) permit (including 35 Ill. Adm. Code 201 through 203); or
- c) A state permit that establishes emission limitations (within meaning of Section 302 of the Clean Air Act) for mercury, including a permit issued pursuant to 35 Ill. Adm. Code 201. All wastewater and nonwastewater residues derived from this process must then comply with consideration of any applicable subcategories (e.g., high or low mercury subcategories).

RMETL Recovery of metals or inorganics utilizing one or more of the following direct physical or removal technologies:

- 1) ion exchanger;
- 2) resin or solid (i.e., zeolites) adsorption;
- 3) reverse osmosis;
- 4) chelation or solvent extraction;
- 5) freeze crystallization;
- 6) ultrafiltration; or
- 7) simple precipitation (i.e., crystallization)

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Note: This does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RORGS Recovery of organics utilizing one or more of the following technologies:

- 1) Distillation;
- 2) thin film evaporation;
- 3) steam stripping;
- 4) carbon adsorption;
- 5) critical fluid extraction;
- 6) liquid-liquid extraction;
- 7) precipitation or crystallization (including freeze crystallization); or
- 8) chemical phase separation techniques (i.e., addition of acids, bases, demulsifiers, or similar chemicals).

Note: This does not preclude the use of other physical phase separation techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RTHRM Thermal recover of metals or inorganics from nonwastewaters in units defined as cement kilns, blast furnaces, smelting, melting and refining furnaces, combustion devices used to recover sulfur values from spent sulfuric acid and "other devices" determined by the Agency pursuant to 35 Ill. Adm. Code 720.116, the definition of "industrial furnace".

RZINC Remelting in high temperature metal recovery units for the purpose of recovery of zinc.

STABL Stabilization with the following reagents (or waste reagents) or combinations of reagents:

- 1) Portland cement; or
- 2) lime or pozzolans (e.g., fly ash and cement kiln dust)—this does not preclude the addition of reagents (e.g., iron salts, silicates, and clays) designed to enhance the set or cure time or compressive strength, or to overall reduce the leachability of the metal or inorganic.

SSTRP Steam stripping of organics from liquid wastes utilizing direct application of steam to the wastes operated such that liquid and vapor flow rates, as well as temperature and pressure, have been optimized, monitored, and maintained. These operating parameters are dependent upon the design parameters of the unit such as, the number of

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separation stages and the internal column design. Thus, resulting in a condensed extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery or reuse and an extracted wastewater that must undergo further treatment as specified in the standard.

WFTOX Wet air oxidation performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues).

WTRRX Controlled reaction with water for highly reactive inorganic or organic chemicals with precautionary controls for protection of workers from potential violent reactions as well as precautionary controls for potential emissions of toxic or ignitable levels of gases released during the reaction.

Note 1: When a combination of these technologies (i.e., a treatment train) is specified as a single treatment standard, the order of application is specified in Section 728-Table T by indicating the five letter technology code that must be applied first, then the designation "fb." (an abbreviation for "followed by"), then the five letter technology code for the technology that must be applied next, and so on.

Note 2: When more than one technology (or treatment train) are specified as alternative treatment standards, the five letter technology codes (or the treatment trains) are separated by a semicolon (;) with the last technology preceded by the word "OR". This indicates that any one of these BACT technologies or treatment trains can be used for compliance with the standard.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 728. TABLE T Treatment Standards for Hazardous Wastes

Note: The treatment standards that heretofore appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

Regulated Hazardous Constituent	Wastewaters	Nonwastewaters
Common Name	CAS(2) Number	Concentration
		in mg/kg(5)†† or
		less noted as
		"mg/l TCLP";
		or Technology
		Code(4)
D001(9)		
Ignitable Characteristic Wastes, except for the 35 Ill. Adm. Code Section 721.121(a)(1) High TOC Subcategory---that--are--managed--in--non--CWA--or non--CWA--equivalent--or--non--Class-I-SBWA-systems.		
NA	NA	DEACT and meet Section 728.148 standards;(8) or RORGs; or CMBST
B001		
Ignitable-Characteristic-Wastes--except--for--the--Section-721.121(a)(1) High--TOC Subcategory--that--are--managed--in--CWA--or--CWA--equivalent--or--Class-I-SBWA-systems:		
NA	NA	BEACT
D001(9)		
High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm. Code 721.121(a)(1) - Greater than or equal to 10% total organic carbon. (Note: This subcategory consists of nonwastewaters only.)		
NA	NA	RORGs; or CMBST
D002(9)		
Corrosive Characteristic Wastes that--are--managed--in--non--CWA--or--non--CWA equivalent--non--Class-I-SBWA-systems.		
NA	NA	DEACT and meet Section 728.148 standards;(8)

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B002

Corrosive--Characteristic--Wastes--that--are--managed--in--CWA--CWA-equivalent--or Class-I-SBWA-Systems:

NA	NA	BEACT	BEACT
D002, D004, D005, D006, D007, D008, D009, D010, D011			
Radioactive high level wastes generated during the reprocessing of fuel rods. (Note: This subcategory consists of nonwastewaters only.)			
Corrosivity (pH)	NA		HLVIT
Arsenic	7440-38-2	NA	HLVIT
Barium	7440-39-3	NA	HLVIT
Cadmium	7440-43-9	NA	HLVIT
Chromium (Total)	7440-47-3	NA	HLVIT
Copper	7440-47-3	NA	HLVIT
Lead	7439-92-1	NA	HLVIT
Mercury	7439-97-6	NA	HLVIT
Selenium	7782-49-2	NA	HLVIT
Silver	7440-22-4	NA	HLVIT
D003(9)			
Reactive Sulfides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).			
NA	NA	DEACT	DEACT
D003(9)			
Explosive subcategory based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8).			
NA	NA	DEACT and meet Section 728.148 standards(8)	DEACT and meet Section 728.148 standards(8)
D003(9)			
Unexploded ordnance and other explosive devices that have been the subject of an emergency response.			
NA	NA	DEACT	DEACT
D003(9)			
Other Reactives Subcategory based on 35 Ill. Adm. Code 721.123(a)(11).			
NA	NA	DEACT and meet Section 728.148 standards(8)	DEACT and meet Section 728.148 standards(8)

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D003(3)	Water Reactive Subcategory based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3), and (a)(4). (Note: This subcategory consists of nonwastewaters only.)	NA	NA	DEACT and meet Section 728.148 standards(8)	
D003(3)	Reactive Cyanides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).				
Cyanides (Total)(7)	57-12-5	--		590	
Cyanides (Amendable)(7)	57-12-5	0.86		30	
D004	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for arsenic based on the extraction procedure (EP) in SW-846 Method 1310.				
Arsenic	7440-38-2	5.0		5.0mg/l EP	
Arsenic; alternative(6) standard for nonwastewaters only.	7440-38-2	NA		5.0 mg/l TCLP	
D005	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on the extraction procedure (EP) in SW-846 Method 1310.				
Barium	7440-39-3	100		100 mg/l TCLP	
D006	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on the extraction procedure (EP) in SW-846 Method 1310.				
Cadmium	7440-43-9	1.0		1.0 mg/l TCLP	
D006	Cadmium-Containing Batteries Subcategory (Note: This subcategory consists of nonwastewaters only.)				
Cadmium	7440-43-9	NA		RTM	
D007	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on the extraction procedure (EP) in SW-846 Method 1310.				

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Chromium (Total)	7440-47-3	5.0		5.0 mg/l TCLP	
D008	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on the extraction procedure (EP) in SW-846 Method 1310.				
Lead	7439-92-1	5.0		5.0 mg/l EP	
Lead; alternative(6) standard for nonwastewaters only.	7439-92-1	NA		5.0 mg/l TCLP	
D008	Lead Acid Batteries Subcategory (Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180). This subcategory consists of nonwastewaters only.) (Note: This subcategory consists of nonwastewaters only.)				
Lead	7439-92-1	NA		RLRAD	
D008	Radioactive Lead Solids Subcategory (Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.) (Note: This subcategory consists of nonwastewaters only.)				
Lead	7439-92-1	NA		MACRO	
D009	Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the extraction procedure (EP) in SW-846 Method 1310; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory) (High-Mercury-Organic-Subcategory)				
Mercury	7439-97-6	NA		IMERC; or RMERC	
D009					

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Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the extraction procedure (EP) in SW-846 Method 1310; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. [High Mercury-Inorganic Subcategory]

(High-Mercury-Inorganic Subcategory)

Mercury 7439-97-6 NA RMERC

D009 Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the extraction procedure (EP) in SW-846 Method 1310; and contain less than 260 mg/kg total mercury. [Low Mercury Subcategory] (Low-Mercury Subcategory)

Mercury 7439-97-6 NA 0.20 mg/l TCLP

All D009 wastewaters

Mercury 7439-97-6 0.20 NA

D009 Elemental mercury contaminated with radioactive materials. (Note: This subcategory consists of nonwastewaters only.)

Mercury 7439-97-6 NA AMLGM

D009 Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory. (Note: This subcategory consists of nonwastewaters only.)

Mercury 7439-97-6 NA IMERC

D010 Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on the extraction procedure (EP) in SW-846 Method 1310.

Selenium 7782-49-2 1.0 5.7 mg/l TCLP

D011 Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the extraction procedure (EP) in SW-846 Method 1310.

Silver 7440-22-4 5.0 5.0 mg/l TCLP

D012(9) Wastes that are TC for Endrin based on the TCLP in SW-846 Method 1311.

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Endrin 72-20-8 BIODG; or
CMBSSTHNE#N 0.13
and meet
Section
728.148
standards(8)

Endrin aldehyde 7421-93-4 BIODG; or
CMBSSTHNE#N 0.13
and meet
Section
728.148
standards(8)

D013(9) Wastes that are TC for Lindane based on the TCLP in SW-846 Method 1311.

alpha-BHC 319-84-6 CAREN; or
CMBSSTHNE#N 0.066
and meet
Section
728.148
standards(8)

beta-BHC 319-85-7 CAREN; or
CMBSSTHNE#N 0.066
and meet
Section
728.148
standards(8)

delta-BHC 319-86-8 CAREN; or
CMBSSTHNE#N 0.066
and meet
Section
728.148
standards(8)

gamma-BHC (Lindane) 58-89-9 CAREN; or
CMBSSTHNE#N 0.066
and meet
Section 728.148
standards(8)

D014(9) Wastes that are TC for Methoxychlor based on the TCLP in SW-846 Method 1311.

Methoxychlor 72-43-5 WETOX or
CMBSSTHNE#N 0.18
and meet
Section
728.148
standards(8)

D015(9) Wastes that are TC for Toxaphene based on the TCLP in SW-846 Method 1311.

Toxaphene 8001-35-2 BIODG or 2.6

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CMBSTINGIN

and meet
Section
728.148
standards(8)

D016(2)
Wastes that are TC for 2,4-D (2,4-Dichlorophenoxyacetic acid) based on the TCLP in SW-846 Method 1311.

2,4-D (2,4-Dichlorophenoxyacetic acid)

94-75-7

CHORDIX
BIOGIX or
CMBSTINGIN

10
and meet
Section
728.148
standards(8)

D017(2)
Wastes that are TC for 2,4,5-TP (Silvex) based on the TCLP in SW-846 Method 1311.

2,4,5-TP (Silvex)

93-72-1

CHORD or
CMBSTINGIN

7.9
and meet
Section
728.148
standards(8)

D018(2)
Wastes that are TC for Benzene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-class-I-SBWA systems-only.

Benzene

71-43-2

0.14
and meet
Section
728.148
standards(8)

D019(2)
Wastes that are TC for Carbon tetrachloride based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-class-I-SBWA systems-only.

Carbon tetrachloride

56-23-5

0.057
and meet
Section
728.148
standards(8)

D020(2)
Wastes that are TC for Chlordane based on the TCLP in SW-846 Method 1311 and

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that are managed in non-CWA or non-CWA equivalent or non-class-I-SBWA systems only.

Chlordane (alpha and gamma isomers)
57-74-9
0.0033
and meet
Section
728.148
standards(8)

D021(2)
Wastes that are TC for Chlorobenzene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-class-I-SBWA systems only.

Chlorobenzene
108-90-7
0.057
and meet
Section
728.148
standards(8)

D022(2)
Wastes that are TC for Chloroform based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-class-I-SBWA systems only.

Chloroform
67-66-3
0.046
and meet
Section
728.148
standards(8)

D023(2)
Wastes that are TC for o-Cresol based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-class-I-SBWA systems only.

o-Cresol
95-48-7
0.11
and meet
Section
728.148
standards(8)

D024(2)
Wastes that are TC for m-Cresol based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-class-I-SBWA systems only.

m-Cresol
108-39-4
0.77
5.6

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(difficult to distinguish from p-cresol)	and meet Section 728.148 standards(8)	and meet Section 728.148 standards(8)
D025(9) Wastes that are TC for p-Cresol based on the TCLP in SW-846 Method 1311 and that--are--managed-in-non-GWA-or-non-GWA-equivalent-or-non-Class-i-SBWA-systems-only.		
p-Cresol (difficult to distinguish from m-cresol)	106-44-5 0.77 and meet Section 728.148 standards(8)	5.6 and meet Section 728.148 standards(8)
D026(9) Wastes that are TC for Cresols (Total) based on the TCLP in SW-846 Method 1311 and--that--are--managed--in--non-GWA-or-non-GWA-equivalent-or-non-Class-i-SBWA-systems-only.		
Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3 0.88 and meet Section 728.148 standards(8)	11.2 and meet Section 728.148 standards(8)
D027(9) Wastes that are TC for p-Dichlorobenzene based on the TCLP in SW-846 Method 1311 and--that--are--managed-in-non-GWA-or-non-GWA-equivalent-or-non-Class-i-SBWA-systems-only.		
p-Dichlorobenzene (1,4-Dichlorobenzene)	106-46-7 0.090 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D028(9) Wastes that are TC for 1,2-Dichloroethane based on the TCLP in SW-846 Method 1311 and--that--are--managed-in-non-GWA-or-non-GWA-equivalent-or-non-Class-i-SBWA-systems-only.		
1,2-Dichloroethane	107-06-2 0.21 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)

POLLUTION CONTROL BOARD

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D029(9) Wastes that are TC for 1,1-Dichloroethylene based on the TCLP in SW-846 Method 1311 and--that--are--managed-in-non-GWA-or-non-GWA-equivalent-or-non-Class-i-SBWA-systems-only.			
1,1-Dichloroethylene	75-35-4 0.025 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)	
D030(9) Wastes that are TC for 2,4-Dinitrotoluene based on the TCLP in SW-846 Method 1311 and--that--are--managed-in-non-GWA-or-non-GWA-equivalent-or-non-Class-i-SBWA-systems-only.			
2,4-Dinitrotoluene	121-14-2 0.32 and meet Section 728.148 standards(8)	140 and meet Section 728.148 standards(8)	
D031(9) Wastes that are TC for Heptachlor based on the TCLP in SW-846 Method 1311 and--that--are--managed-in-non-GWA-or-non-GWA-equivalent-or-non-Class-i-SBWA-systems-only.			
Heptachlor	76-44-8 0.0012 and meet Section 728.148 standards(8)	0.066 and meet Section 728.148 standards(8)	
Heptachlor epoxide	1024-57-3 0.016 and meet Section 728.148 standards(8)	0.066 and meet Section 728.148 standards(8)	
D032(9) Wastes that are TC for Hexachlorobenzene based on the TCLP in SW-846 Method 1311 and--that--are--managed-in-non-GWA-or-non-GWA-equivalent-or-non-Class-i-SBWA-systems-only.			
Hexachlorobenzene	118-74-1 0.055 and meet Section 728.148 standards(8)	10 and meet Section 728.148 standards(8)	
D033(9)			

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Wastes that are TC for Hexachlorobutadiene based on the TCLP in SW-846 Method 1311 and that are managed in non-GWA or non-GWA-equivalent or non-Class-I--SBWA systems-only.

Hexachlorobutadiene
0.055
87-68-3 and meet
Section
728.148
standards(8)

D034(9)
Wastes that are TC for Hexachloroethane based on the TCLP in SW-846 Method 1311 and that are managed in non-GWA or non-GWA-equivalent or non-Class-I--SBWA systems-only.

Hexachloroethane
0.055
67-72-1 and meet
Section
728.148
standards(8)

D035(9)
Wastes that are TC for Methyl ethyl ketone based on the TCLP in SW-846 Method 1311 and that are managed in non-GWA or non-GWA-equivalent or non-Class-I--SBWA systems-only.

Methyl ethyl ketone
0.28
78-93-3 and meet
Section
728.148
standards(8)

D036(9)
Wastes that are TC for Nitrobenzene based on the TCLP in SW-846 Method 1311 and that are managed in non-GWA or non-GWA-equivalent or non-Class-I--SBWA systems-only.

Nitrobenzene
0.068
98-95-3 and meet
Section
728.148
standards(8)

D037(9)
Wastes that are TC for Pentachlorophenol based on the TCLP in SW-846 Method 1311 and that are managed in non-GWA or non-GWA-equivalent or non-Class-I--SBWA systems-only.

Pentachlorophenol
0.055
95-95-4 and meet
Section
728.148
standards(8)

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Pentachlorophenol
0.089
87-86-5 and meet
Section
728.148
standards(8)

D038(9)
Wastes that are TC for pyridine based on the TCLP in SW-846 Method 1311 and that are managed in non-GWA or non-GWA-equivalent or non-Class-I--SBWA systems-only.

Pyridine
0.014
110-86-1 and meet
Section
728.148
standards(8)

D039(9)
Wastes that are TC for Tetrachloroethylene based on the TCLP in SW-846 Method 1311 and that are managed in non-GWA or non-GWA-equivalent or non-Class-I--SBWA systems-only.

Tetrachloroethylene
0.056
127-18-4 and meet
Section
728.148
standards(8)

D040(9)
Wastes that are TC for Trichloroethylene based on the TCLP in SW-846 Method 1311 and that are managed in non-GWA or non-GWA-equivalent or non-Class-I--SBWA systems-only.

Trichloroethylene
0.054
79-01-6 and meet
Section
728.148
standards(8)

D041(9)
Wastes that are TC for 2,4,5-Trichlorophenol based on the TCLP in SW-846 Method 1311 and that are managed in non-GWA or non-GWA-equivalent or non-Class-I--SBWA systems-only.

2,4,5-Trichlorophenol
0.18
95-95-4 and meet
Section
728.148
standards(8)

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standards(B)	standards(B)
D042(9)	
Wastes that are TC for 2,4,6-Trichlorophenol based on the TCLP in SW-846 Method 1311 and that are managed in non-GWA or non-GWA-equivalent or non-Class-I--SDWA systems only.	
2,4,6-Trichlorophenol	88-06-2
	0.035
	and meet
	Section
	728.148
	standards(B)
	7.4
	and meet
	Section
	728.148
	standards(B)
D043(9)	
Wastes that are TC for Vinyl chloride based on the TCLP in SW-846 Method 1311 and that are managed in non-GWA or non-GWA-equivalent or non-Class-I--SDWA systems only.	
Vinyl chloride	75-01-4
	0.27
	and meet
	Section
	728.148
	standards(B)
	6.0
F001, F002, F003, F004, & F005	
one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-methoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloroethane, trichloroethylene, trichloromono-fluoroethane, or xylenes (except as specifically noted in other subcategories). See further details of these listings in 35 Ill. Adm. Code 721.131	
Acetone	67-64-1
	0.28
Benzene	71-43-2
	0.14
n-Butyl alcohol	71-36-3
	5.6
Carbon disulfide	75-13-0
	3.8
Carbon tetrachloride	56-23-5
	0.057
Chlorobenzene	108-90-7
	0.057
o-Cresol	95-48-7
	0.11
m-Cresol	108-39-4
	0.77
(difficult to distinguish from p-cresol)	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

standards(B)	standards(B)
p-Cresol (difficult to distinguish from m-cresol)	106-44-5
	0.77
Cresol-mixed isomers (Cresylic acid)	1319-77-3
	0.88
(sum of o-, m-, and p-cresol concentrations)	
Cyclohexanone	108-94-1
	0.36
o-Dichlorobenzene	95-50-1
	0.088
Ethyl acetate	108-18-6
	0.057
Ethyl benzene	100-41-4
	0.12
Isobutyl alcohol	78-83-7
	5.6
Methanol	67-56-1
	5.6
Methylene chloride	75-91-2
	0.089
Methyl isobutyl ketone	78-93-3
	0.28
Nitrobenzene	108-10-1
	0.14
Pyridine	98-95-3
	0.068
Tetrachloroethylene	110-86-1
	0.014
Toluene	127-18-4
	0.056
1,1,1-Trichloroethane	108-88-3
	0.080
1,1,2-Trichloroethane	71-55-6
	0.054
1,1,2-Trichloro-1,2,2-trifluoroethane	79-00-5
	0.054
Trichloroethylene	76-13-1
	0.057
Trichloromono-fluoro-methane	79-01-6
	0.054
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7
	0.32
F001, F002, F003, F004 & F005	
F001 and F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001 through F005 solvents: carbon disulfide, cyclohexanone, or methanol. (Formerly Section 728.141(c))	
Carbon disulfide	75-15-0
	3.8
Cyclohexanone	108-94-1
	0.36
Methanol	67-56-1
	5.6
F001, F002, F003, F004 & F005	
F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvent.	
2-Nitropropane	79-46-9
	(KETOL or CHOXD) fb
	CWBSTINGEN
	(KETOL or CHOXD) fb
	CARBN; or
	4.8 mg/l TCLP
	0.75 mg/l TCLP
	0.75 mg/l TCLP

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NOTICE OF ADOPTED AMENDMENTS

CMBSTINGIN

F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through F005 solvent.

2-Ethoxyethanol

CMBSTINGIN

BIOG: or

CMBSTINGIN

110-80-5

F006

Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (regard basis) on carbon steel; (4) aluminum or zinc-aluminum alloy plating on carbon steel; (5) cleaning or stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

Cadmium	7440-43-9	0.69	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F007 Spent cyanide plating bath solutions from electroplating operations.

Cadmium	7440-43-9	NA	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F008 Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F009

Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

POLLUTION CONTROL BOARD

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Cadmium
Chromium (Total)
Cyanides (Total)(7)
Cyanides (Amenable)(7)
Lead
Nickel
Silver

7440-43-9
7440-47-3
57-12-5
57-12-5
7439-92-1
7440-02-0
7440-22-4

NA
2.77
1.2
0.86
0.69
3.98
NA

0.19 mg/l TCLP
0.86 mg/l TCLP
590
30
0.37 mg/l TCLP
5.0 mg/l TCLP
0.30 mg/l TCLP

F010

Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.

Cyanides (Total)(7)

Cyanides (Amenable)(7)

57-12-5

57-12-5

0.86

0.86

NA

590

NA

0.19 mg/l TCLP

0.86 mg/l TCLP

590

30

0.37 mg/l TCLP

5.0 mg/l TCLP

0.30 mg/l TCLP

NA

NA

0.19 mg/l TCLP

0.86 mg/l TCLP

590

30

0.37 mg/l TCLP

5.0 mg/l TCLP

0.30 mg/l TCLP

NA

NA

0.19 mg/l TCLP

0.86 mg/l TCLP

590

30

0.37 mg/l TCLP

5.0 mg/l TCLP

0.30 mg/l TCLP

NA

NA

0.19 mg/l TCLP

0.86 mg/l TCLP

590

30

0.37 mg/l TCLP

5.0 mg/l TCLP

0.30 mg/l TCLP

NA

NA

0.19 mg/l TCLP

0.86 mg/l TCLP

590

30

F020, F021, F022, F023, F026

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (i.e., F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022) and wastes ~~from~~ ^{Wastes} (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023); or (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).

BKCDs (All Hexachloro- dibenzo-p-dioxins)	0.000063	0.001
BKCDs (All Hexachloro- dibenzofurans)	0.000063	0.001
PCDDs (All Penta- chloro-dibenzo-p- dioxins)	0.000063	0.001
PCDDs (All Pentachloro- dibenzofurans)	0.000035	0.001
TCDDs (All Tetrachloro- dibenzo-p-dioxins)	0.089 0.000063	7.4 0.001
TCDFs (All Tetrachloro- dibenzofurans)	0.000063	0.001
2,4,5-Trichlorophenol	0.18	7.4
2,4,6-Trichlorophenol	0.035	7.4
2,3,4,6-Tetrachloro- phenol	0.030	7.4
Pentachlorophenol	0.009	7.4

F024 Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 35. Ill. Adm. Code 721.131 or 721.132.)

All F024 wastes	NA	CMBST
2-Chloro-1,3-butadiene	126-99-8	0.057

POLLUTION CONTROL BOARD

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3-Chloropropylene	107-05-1	0.036	30
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloro- propylene	10061-01-5	0.036	18
trans-1,3-Dichloro- propylene	10061-02-6	0.036	18
bis(2-Ethylhexyl)- phthalate	117-81-7	0.28	28
Hexachloroethane	67-72-1	0.055	30
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP

F025

Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one up to and including five, with varying amounts and positions of chlorine substitution. **F025—Light Ends Subcategory.**

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F026

Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. **F026—Spent Filters/Aids and Desiccants Subcategory.**

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

POLLUTION CONTROL BOARD

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F027

Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

HxCDDs (All Hexachloro- NA 0.000063 0.001

di-benzo-p-dioxins) NA 0.000063 0.001

HxCDFs (All Hexachloro- NA 0.000063 0.001

di-benzofurans) NA 0.000063 0.001

PeCDDs (All Pentachloro- NA 0.000035 0.001

di-benzo-p-dioxins) NA 0.000035 0.001

PeCDFs (All Pentachloro- NA 0.089 7.4

di-benzofurans) NA 0.000063 0.001

Pentachlorophenol 87-86-5 0.000063 0.001

TCDDs (All Tetrachloro- NA 0.000063 0.001

di-benzo-p-dioxins) NA 0.000063 0.001

TCDFs (All Tetrachloro- NA 0.000063 0.001

di-benzofurans) NA 0.000063 0.001

2,4,5-Trichlorophenol 95-95-4 0.18 7.4

2,4,6-Trichlorophenol 88-06-2 0.035 7.4

2,3,4,6-Tetrachloro- 58-90-2 0.030 7.4

phenol 87-86-5 0.089 7.4

Pentachlorophenol 87-86-5 0.089 7.4

F028

Residues resulting from the incineration or thermal treatment of soil contaminated with USEPA hazardous waste numbers F020, F021, F023, F026, and F027.

HxCDDs (All Hexachloro- NA 0.000063 0.001

di-benzo-p-dioxins) NA 0.000063 0.001

HxCDFs (All Hexachloro- NA 0.000063 0.001

di-benzofurans) NA 0.000063 0.001

PeCDDs (All Pentachloro- NA 0.000063 0.001

di-benzo-p-dioxins) NA 0.000035 0.001

PeCDFs (All Pentachloro- NA 0.089 7.4

Pentachlorophenol 87-86-5 0.000063 0.001

TCDDs (All Tetrachloro- NA 0.000063 0.001

di-benzo-p-dioxins) NA 0.000063 0.001

TCDFs (All Tetrachloro- NA 0.000063 0.001

di-benzofurans) NA 0.000063 0.001

2,4,5-Trichlorophenol 95-95-4 0.18 7.4

2,4,6-Trichlorophenol 88-06-2 0.035 7.4

2,3,4,6-Tetrachloro- 58-90-2 0.030 7.4

phenol 87-86-5 0.089 7.4

Pentachlorophenol 87-86-5 0.089 7.4

P024

Process-wastes--including--but--not--limited--to--distillation-residues--heavy end--tary--and--reactor--clean-out--wastes--from--the--production--of--certain chlorinated--aliphatic--hydrocarbons--by--free-radical--catalyzed--processes--these chlorinated--aliphatic--hydrocarbons--are--those--having--carbon--chain--lengths ranging--from--one--to--an--including--five--with--varying--amounts--and--positions--of chlorine--substitution--(this--listing--does--not--include--wastewaters--wastewater treatment--sludges--spent--catalysts--and--wastes--listed--in--35--Ill--Adm--Code 721.131--or--721.132.7)

All-P024-wastes NA INEIN INEIN

2-Chloro-1,3-butadiene 126-99-8 0-057 0-28

3-Chloropropylene 107-05-1 0-036 30

1,3-Bichloroethane 75-34-3 0-059 6-0

1,2-Bichloroethane 107-06-2 0-21 6-0

1,2-Bichloropropane 78-07-5 0-05 18

cis-1,3-Bichloro- 10661-01-5 0-036 18

propylene 10661-02-6 0-036 18

trans-1,3-Bichloro- 117-03-7 0-28 28

propylene 69-72-1 0-055 30

bis(2-Ethylhexyl) 7440-47-3 2-77 0-06-mg/l-SEBP

phthalate 7440-02-0 3-98 5.0-mg/l-SEBP

Hexachloroethane 7440-47-3 2-77 0-06-mg/l-SEBP

Chromium-(Total) 7440-02-0 3-98 5.0-mg/l-SEBP

Nickel 7440-02-0 3-98 5.0-mg/l-SEBP

P025

Condensed light ends--from--the--production--of--certain--chlorinated--aliphatic hydrocarbons--by--free-radical--catalyzed--processes--these chlorinated--aliphatic hydrocarbons--are--those--having--carbon--chain--lengths--ranging--from--one--to--and including--five--with--varying--amounts--and--positions--of--chlorine--substitution--

P025---Light-Ends-Subcategory

Carbon-tetrachloride 50-23-6 0-057 6-0

Chloroform 67-66-3 0-046 6-0

1,2-Bichloroethane 107-06-2 0-21 6-0

1,3-Bichloroethane 75-34-3 0-025 6-0

Methylene-chloride 75-09-2 0-009 30

1,1,2-Trichloroethane 75-09-5 0-054 6-0

1,1,1-Trichloroethane 75-01-6 0-054 6-0

Vinyl-chloride 75-01-4 0-27 6-0

P025

Spent-filters and filter-aids--and--spent-desiccant-wastes--from--the--production of--certain--chlorinated--aliphatic--hydrocarbons--by--free-radical--catalyzed processes--these chlorinated--aliphatic--hydrocarbons--are--those--having--carbon chain--lengths--ranging--from--one--to--and--including--five--with--varying--amounts--and

POLLUTION CONTROL BOARD

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positions-of-chlorine-substitution:

P085----Spent-Piters-or-Aids-and-Desiccants-Subcategory

Carbon-tetrachloride	56-23-5	8-067	6-0
Chloroform	67-66-3	8-066	6-0
Hexachlorobenzene	118-74-1	8-065	30
Hexachlorobutadiene	67-66-3	8-065	5-6
Hexachlorocyclopentadiene	67-72-1	8-065	30
Methylene-chloride	75-9-2	8-069	30
1,1,2,2-Tetrachloroethane	79-08-5	8-064	6-0
Trichloroethylene	79-01-6	8-064	6-0
Vinyl-chloride	75-01-4	8-027	6-0

P037 Petroleum refinery primary oil/water/solids separation sludge--Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and sumps; and stormwater units receiving dry weather flow. Sludge generated from non-contact once-through cooling waters segregated from other process or oily cooling treatment units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated from aggressive biological treatment units as defined in 35 Ill. Code 721.131(b)(2) (including sludges generated in one or more additional units) and K051 wastes are not included in this listing.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	120-12-7	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	3.4
Ethylbenzene	100-41-4	0.057	NA
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.032	30
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)	57-12-5	1.2	590

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Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	5.0 mg/l TCLP

F038 Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated from stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling treatment units, sludges and floats generated in aggressive biological treatment units as defined in 35 Ill. Code 721.131(b)(2) (including sludges and floats generated in one or more additional units) after wastewaters have been treated in aggressive biological units and F037, K048, and K051 are not included in this list.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	3.4
Ethylbenzene	100-41-4	0.057	NA
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.032	30
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	5.0 mg/l TCLP

F039

Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under 720-Subpart D of this Part. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.)

Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	81-32-9	0.059	3.4
Acetone	67-64-1	0.28	160

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Acetonitrile	75-05-8	5.6	NA
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	NA
Acrolein	107-02-8	0.29	NA
Acrylonitrile	107-13-1	0.24	84
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-b)fluoranthene)			
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromomethane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butyl Benzyl phthalate	85-86-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol (Dinitrophenol)	88-85-7	0.066	2.5
Carbon tetrachloride	75-15-0	3.8	NA
Chlorobenzene	56-23-5	0.057	6.0
Chloroethane (alpha and gamma isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	NA
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0

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Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
p-Chloro-m-cresol	9480-6-4	0.018	14
Chloromethane (Methyl chloride)	59-50-7	0.19	30
2-Chloronaphthalene	74-87-3	0.055	5.6
2-Chlorophenol	91-58-7	0.044	5.7
3-Chloropropylene	95-57-8	0.036	30
Chrysene	107-05-1	0.059	3.4
m-Cresol	218-01-9	0.11	5.6
(difficult to distinguish from p-cresol)	95-48-7	0.77	
p-Cresol	108-39-4	0.77	
(difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Cyclohexanone	108-94-1	0.36	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
Dibromomethane	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
2,4-DB (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
phenol	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
p,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
p,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
m-Dichlorobenzene	192-65-4	0.061	NA
m-Dichlorobenzene	541-73-1	0.036	6.0
p-Dichlorobenzene	95-50-1	0.088	6.0
Dichlorodifluoromethane	106-46-7	0.090	6.0
1,1-Dichloroethane	75-71-8	0.23	7.2
1,2-Dichloroethane	75-34-3	0.059	6.0
1,1-Dichloroethylene	107-06-2	0.21	6.0
trans-1,2-Dichloroethylene	75-35-4	0.025	6.0
ethylene	156-60-5	0.054	30
2,6-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloro-	10061-01-5	0.036	18

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propylene trans-1,3-Dichloro- propylene	10061-02-6	0.036	18	
Dieldrin	60-57-1	0.017	0.13	
Diethyl phthalate	84-66-2	0.20	28	
2,4-Dimethyl phenol	105-67-9	0.036	14	
Dimethyl phthalate	131-11-3	0.047	28	
Di-n-butyl phthalate	84-74-2	0.057	28	
1,4-Dinitrobenzene	100-25-4	0.32	2.3	
1,4-Dinitrobenzene	534-52-1	0.28	160	
2,4-Dinitrophenol	51-28-5	0.12	160	
2,4-Dinitrophenol	121-14-2	0.32	140	
2,6-Dinitrophenol	606-20-2	0.55	28	
Di-n-octyl phthalate	117-84-0	0.017	28	
Di-n-propylnitrosamine	621-64-7	0.40	14	
1,4-Dioxane	123-91-1	12.0NA	170	
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	NA+3	
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	NA	
1,2-Diphenylhydrazine	122-66-7	0.087	NA	
Disulfoton	298-04-4	0.017	6.2	
Endosulfan I	939-98-8	0.023	0.066	
Endosulfan II	3213-6-5	0.029	0.13	
Endosulfan sulfate	1031-07-8	0.029	0.13	
Endrin	72-20-8	0.028	0.13	
Endrin aldehyde	7421-93-4	0.025	0.13	
Ethyl acetate	141-78-6	0.34	33	
Ethyl cyanide (Propane- nitrile)	107-12-0	0.24	360	
Ethyl benzene	100-41-4	0.057	10	
Ethyl ether	60-29-7	0.12	160	
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28	
Ethyl methacrylate	97-63-2	0.14	160	
Ethylene oxide	75-21-8	0.12	NA	
Famphur	52-85-7	0.017	15	
Fluoranthene	206-44-0	0.068	3.4	
Fluorene	86-73-7	0.059	3.4	
Heptachlor	76-44-8	0.0012	0.066	
Heptachlor epoxide	1024-57-3	0.016	0.066	
Hexachlorobenzene	118-74-1	0.035	10	
Hexachlorocyclopentadiene	84-48-3	0.035	5.6	
Hexachlorocyclopenta-	77-47-4	0.037	2.4	

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diene HxCDDs (All Hexachloro- dibenzo-p-dioxins)	NA	0.000063	0.001	
HxCDFs (All Hexachloro- dibenzofurans)	NA	0.000063	0.001	
Hexachloroethane	67-72-1	0.055	30	
Hexachloropropylene	1888-71-7	0.035	30	
Indeno (1,2,3-c,d)	193-39-5	0.0055	3.4	
pyrene	74-88-4	0.19	65	
Iodomethane	78-83-1	5.6	170	
Isobutyl alcohol	465-73-6	0.021	0.066	
Isodrin	120-58-1	0.081	2.6	
Isosafrole	143-50-8	0.0011	0.13	
Kepone	126-98-7	0.24	84	
Methacrylonitrile	67-56-1	5.6	NA	
Methanol	91-80-5	0.081	1.5	
Methapyrilene	72-43-5	0.25	0.18	
Methoxychlor	56-49-5	0.0055	15	
3-Methylcholanthrene	101-14-4	0.50	30	
4,4-Methylene bis(2-chloroaniline)	75-09-2	0.089	30	
Methylene chloride	78-93-2	0.28	36	
Methyl acetate	108-10-1	0.14	33	
Methyl isobutyl ketone	80-62-6	0.14	160	
Methyl methacrylate	66-27-3	0.018	NA	
Methyl methanesulfonate	298-00-0	0.014	4.6	
Methyl parathion	91-20-3	0.059	5.6	
Naphthalene	91-59-8	0.52	NA	
2-Naphthylamine	98-01-6	0.028	28	
p-Nitroaniline	98-95-3	0.068	14	
Nitrobenzene	98-95-3	0.12	28	
5-Nitro-o-toluidine	99-55-8	0.12	29	
p-Nitrophenol	100-02-7	0.12	29	
N-Nitrosodiethylamine	55-18-5	0.40	28	
N-Nitrosodimethylamine	62-75-9	0.40	NA	
N-Nitroso-di-n-butyl- amine	924-16-3	0.40	17	
N-Nitrosomethylethyl- amine	10595-95-6	0.40	2.3	
N-Nitrosomorpholine	59-89-2	0.40	2.3	
N-Nitrosopiperidine	100-75-4	0.013	35	
N-Nitrosopyrrolidine	930-55-2	0.013	35	
Parathion	56-38-2	0.014	4.6	
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10	
Pentachlorobenzene	608-93-5	0.055	10	
PecDDs (All Pentachloro- NA	NA	0.000063	0.001	

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dibenzop-p-dioxins)			
PCDDs, PCDFs (All Penta-NA chlorodibenzofurans)	0.000035	0.001	
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Phorate	298-02-2	0.021	4.6
Phthalic anhydride	85-44-9	0.055	NA
Pronamide	23950-58-5	0.093	1.5
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
2,4,5-T	93-76-5	0.72	7.9
1,2,4,5-Tetrachloro-benzene	95-94-3	0.055	14
TCDDs (All Tetrachloro-dibenzop-p-dioxins)		0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)		0.000063	0.001
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
1,1,2,2-Tetrachloroethane	127-18-4	0.056	6.0
1,2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Triphenylmethane	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
tris(2,3-Dibromopropyl)phosphate	126-72-7	0.11	NA
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers	1330-20-7	0.32	30

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(sum of o-, m-, and p-xylylene concentrations)			
Antimony	7440-36-0	1.9	2.1 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Barium	7440-39-3	1.2	7.6 mg/l TCLP
Beryllium	7440-41-7	0.82	NA
Cadmium	7440-43-9	0.69	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	NA
Fluoride	16964-48-8	35	NA
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Mercury	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Selenium	7782-49-2	0.82	0.16 mg/l TCLP
Silver	7440-48-4	0.43	0.30 mg/l TCLP
Sulfide	8436-36-8	1.4	NA
Tellurium	7440-58-0	1.4	NA
Vanadium	7440-62-2	4.3	NA
K001			
Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use cresote or pentachlorophenol.			
Naphthalene	91-20-3	0.069	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers	1330-20-7	0.32	30
(sum of o-, m-, and p-xylylene concentrations)			
Lead	7439-92-1	0.69	0.37 mg/l TCLP
K002			
Wastewater treatment sludge from the production of chrome yellow and orange pigments.			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP
K003			
Wastewater treatment sludge from the production of molybdate orange pigments.			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP
K004			
Wastewater treatment sludge from the production of zinc yellow pigments.			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP

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Lead	7439-92-1	0.69	0.37 mg/l TCLP	
R005	Wastewater treatment sludge from the production of chrome green pigments.			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP	
Lead	7439-92-1	0.69	0.37 mg/l TCLP	
Cyanides (Total)(7)	57-12-5	1.2±0.25	52099	
R006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous).			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP	
Lead	7439-92-1	0.69	0.37 mg/l TCLP	
R006	Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP	
Lead	7439-92-1	0.69	NA	
R007	Wastewater treatment sludge from the production of iron blue pigments.			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP	
Lead	7439-92-1	0.69	NA	
Cyanides (Total)(7)	57-12-5	1.2	590	
R008	Oven residue from the production of chrome oxide green pigments.			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP	
Lead	7439-92-1	0.69	0.37 mg/l TCLP	
R009	Distillation bottoms from the production of acetaldehyde from ethylene.			
Chloroform	67-66-3	0.046	6.0	
R010	Distillation side cuts from the production of acetaldehyde from ethylene.			
Chloroform	67-66-3	0.046	6.0	
R011	Bottom stream from the wastewater stripper in the production of acrylonitrile.			
Acetonitrile	75-05-8	5.6	38±8	
Acrylonitrile	107-13-1	0.24	84	
Acrylamide	79-06-1	19	23	
Benzene	71-43-2	0.14	10	
Cyanide (Total)	57-12-5	1.2	590	
R013				

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Bottom stream from the acetonitrile column in the production of acrylonitrile.			
Acetonitrile	75-05-8	5.6	38±8
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.		
Acetonitrile	75-05-8	5.6	38±8
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.140	
Cyanide (Total)	57-12-5	1.2	590
K015	Still bottoms from the distillation of benzyl chloride.		
Anthracene	100-12-7	0.059	3.4
Benzaldehyde	105-37-7	0.055	6.0
Benzal(b)fluoranthene	98-97-3	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)	207-08-9	0.11	6.8
Benzal(b)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)	85-01-8	0.059	5.6
Phenanthrene	108-88-3	0.080	10
Toluene	7440-47-3	2.77	0.86 mg/l TCLP
Chromium (Total)	7440-02-0	3.98±9.9	5.0 ±5.9 mg/l TCLP
Nickel			
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.		
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.		
Bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
1,2-Dichloropropane	78-87-5	0.085	18

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1,2,3-Trichloropropane	96-18-4	0.85	30
K018			
Heavy ends from the fractionation column in ethyl chloride production.			
Chloroethane	75-00-3	0.27	6.0
Chloromethane	74-87-3	0.19	NA
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
K019			
Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.			
bis(2-Chloroethyl) ether	111-44-4	0.033	6.0
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
p-Dichlorobenzene	106-46-7	0.090	NA
1,2-Dichloroethane	107-06-2	0.21	6.0
Fluorene	86-73-7	0.059	NA
Hexachloroethane	67-72-1	0.055	30
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
1,2,4,5-Tetrachloro-	95-94-3	0.055	NA
Tetrachloroethylene	127-18-4	0.056	6.0
1,2-Dichlorobenzene	106-46-7	0.090	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K020			
Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.			
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0

K021			
Aqueous spent antimony catalyst waste from fluoromethanes production.			
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Antimony	7440-36-0	1.9	2.1 mg/l TCLP

H021

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Aqueous spent antimony catalyst waste from fluoromethanes production:			
Carbon-tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Antimony	7440-36-0	1.9	2.1 mg/l TCLP
K022			
Distillation bottom tars from the production of phenol or acetone from cumene.			
Toluene	108-88-3	0.080	10
Acetophenone	96-86-2	0.010	9.7
Diphenylamine	122-39-4	0.92	13
(difficult to distinguish from diphenylnitrosamine)			
Diphenylnitrosamine	86-30-6	0.92	13
(difficult to distinguish from diphenylamine)			
Phenol	108-95-2	0.039	6.2
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Nickel	7440-02-0	0.98	5.0 mg/l TCLP
K023			
Distillation light ends from the production of phthalic anhydride from naphthalene.			
Phthalic anhydride	100-21-0	0.055	28
(measured as Phthalic acid or Terephthalic acid)			
Phthalic anhydride	85-44-9	0.055	28
(measured as Phthalic acid or Terephthalic acid)			
K024			
Distillation bottoms from the production of phthalic anhydride from naphthalene.			
Phthalic anhydride	100-21-0	0.055	28
(measured as Phthalic acid or Terephthalic acid)			
Phthalic anhydride	85-44-9	0.055	28
(measured as Phthalic acid or Terephthalic acid)			
K025			
Distillation bottoms from the production of nitrobenzene by the nitration of benzene.			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NA NA LEFT: fb STRIP
fb CARBN, or
CMBSTINGEN

K026 Stripping still tails from the production of methyl ethyl pyridines.

NA NA CMBSTINGEN CMBSTINGEN

K027 Centrifuge and distillation residues from the toluene diisocyanate production.

NA NA CARBN; or
CMBSTINGEN

K028 Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.

1,1-Dichloroethane 75-34-3 0.059 6.0

trans-1,2-Dichloro- 156-60-5 0.054 30

ethylene 87-88-3 0.055 5.6

Hexachlorobutadiene 67-72-1 0.055 30

Pentachloroethane 76-01-7 NA 6.0

1,1,1,2-Tetrachloro- 630-20-6 0.057 6.0

ethane 79-34-6 0.057 6.0

1,1,2,2-Tetrachloro- 127-18-4 0.056 6.0

ethane 71-55-6 0.054 6.0

1,1,1-Trichloroethane 79-00-5 0.054 6.0

1,1,2-Trichloroethane 7440-43-9 0.69 NA

Cadmium 7440-47-3 2.77 0.86 mg/l TCIP

Chromium (Total) 7439-92-1 0.69 0.37 mg/l TCIP

Lead 7440-02-0 3.98 5.0 mg/l TCIP

Nickel 7440-02-0 3.98 5.0 mg/l TCIP

K029 Waste from the product steam stripper in the production of 1,1,1-trichloroethane.

1,1,1-trichloroethane. 67-66-3 0.046 6.0

Chloroform 107-06-2 0.21 6.0

1,2-Dichloroethane 75-35-4 0.025 6.0

1,1-Dichloroethylene 71-55-6 0.054 6.0

1,1,1-Trichloroethane 75-01-4 0.27 6.0

Vinyl chloride 95-50-1 0.088 NA

106-46-7 0.090 NA

K030 Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.

o-Dichlorobenzene 106-46-7 0.090 NA

p-Dichlorobenzene 106-46-7 0.090 NA

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

87-68-3 0.055 5.6
Hexachlorobutadiene 67-72-1 0.055 30
Hexachloroethane 1888-71-7 NA 30
exachloropropylene 608-93-5 NA 10
entachlorobenzene 76-01-7 NA 6.0
entachloroethane 95-94-3 0.055 14
benzene 127-18-4 0.056 6.0
etrachloroethylene 120-82-1 0.055 19
1,2,4-Trichlorobenzene 7440-38-2 1.4 5.0 mg/l TCIP

K031 By-product salts generated in the production of MSMA and cacodylic acid.
Arsenic 7440-38-2 1.4

K032 Wastewater treatment sludge from the production of chlordane. 2.4
Hexachlorocyclopenta- 77-47-4 0.057

diene 57-74-9 0.0033 0.26

Chlordane (aliph and 76-44-8 0.0012 0.066
gamma isomers)

Heptachlor 1024-57-3 0.016 0.066

Heptachlor epoxide 1024-57-3 0.016 0.066

K033 Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. 77-47-4 0.057 2.4

Hexachlorocyclopenta- 77-47-4 0.057 2.4

diene 77-47-4 0.057 2.4

K034 Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. 77-47-4 0.057 2.4

Hexachlorocyclopenta- 77-47-4 0.057 2.4

diene 77-47-4 0.057 2.4

K035 Wastewater treatment sludges generated in the production of cresote.

Acenaphthene 83-32-9 NA 3.4

Anthracene 120-12-7 NA 3.4

Benz(a)anthracene 56-55-3 0.061 3.4

Benzo(a)pyrene 50-32-8 0.061 3.4

Chrysene 218-01-9 0.059 3.4

o-Cresol 95-48-7 0.11 5.6

m-Cresol 108-39-4 0.77 5.6

(difficult to distinguish from p-cresol)

p-Cresol 106-44-5 0.77 5.6

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(difficult to distinguish from m-cresol)					
Dibenz(a,h)anthracene	53-70-3	NA	8.2		
Fluoranthene	206-44-0	0.068	3.4		
Fluorene	86-73-7	NA	3.4		
Indeno(1,2,3-cd)pyrene	193-39-5	NA	3.4		
Naphthalene	91-20-3	0.059	5.6		
Phenanthrene	85-01-8	0.059	5.6		
Phenol	108-95-2	0.039	6.2		
Pyrene	129-00-0	0.067	8.2		
K036					
Still bottoms from toluene reclamation distillation in the production of disulfoton.					
Disulfoton	798-04-4	0.017	6.2		
K037					
Wastewater treatment sludges from the production of disulfoton.					
Disulfoton	298-04-4	0.017	6.2		
Toluene	108-88-3	0.080	10		
K038					
Wastewater from the washing and stripping of phosphate production.					
Phosphate	298-02-2	0.021	4.6		
K039					
Filter cake from the filtration of diethylphosphorodithioic acid in the production of phosphate.					
NA	NA	CARBON or CMBSTIN#N	CMBST		
K040					
Wastewater treatment sludge from the production of phosphate.					
Phosphate	298-02-2	0.021	4.6		
K041					
Wastewater treatment sludge from the production of toxaphene.					
Toxaphene	8001-35-2	0.0095	2.6		
K042					
Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.					
o-Dichlorobenzene	95-50-1	0.088	6.0		
p-Dichlorobenzene	106-46-7	0.090	6.0		
Pentachlorobenzene	608-93-5	0.055	10		
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1,2,4-Trichlorobenzene	120-82-1	0.055	19		
K043					
2,6-Dichlorophenol waste from the production of 2,4-D.					
2,4-Dichlorophenol	120-83-2	0.044	14		
2,6-Dichlorophenol	187-65-0	0.044	14		
2,4,5-Trichlorophenol	95-95-4	0.18	7.4		
2,4,6-Trichlorophenol	88-06-2	0.035	7.4		
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4		
Pentachlorophenol	87-86-5	0.089	7.4		
Tetrachloroethylene	127-18-4	0.056	6.0		
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001		
HxCDFs (all Hexachloro-dibenzofurans)	NA	0.000063	0.001		
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001		
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001		
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.00063	0.001		
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.00063	0.001		
K044					
Wastewater treatment sludges from the manufacturing and processing of explosives.					
NA	NA	DEACT	DEACT		
K045					
Spent carbon from the treatment of wastewater containing explosives.					
NA	NA	DEACT	DEACT		
K046					
Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.					
Lead	7439-92-1	0.69	0.37 mg/l TCLP		
K047					
Pink or red water from TNT operations.					
NA	NA	DEACT	DEACT		
K048					
Dissolved air flotation (DAF) float from the petroleum refining industry.					
Benzene	71-43-2	0.14	10		
Benzo(a)pyrene	50-32-8	0.61	3.4		
bis(2-Ethylhexyl)	117-81-7	0.28	28		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

phthalate	218-01-9	0.059	3.4
Chrysene	84-74-2	0.057	28
Di-n-butyl phthalate	84-74-2	0.057	10
Ethylbenzene	100-41-4	0.059	NA
Fluorene	86-73-7	0.059	5.6
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	6.2
Pyrene	108-95-2	0.039	8.2
Toluene	129-00-0	0.067	10
Xylenes-mixed isomers	108-88-3	0.080	10
(sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	5.0 mg/l TCLP

K049

Slop oil emulsion solids from the petroleum refining industry.

Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Carbon disulfide	75-15-0	3.8	NA
Chrysene	2218-01-9	0.059	3.4
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Fluorene	91-20-3	0.059	5.6
Naphthalene	85-01-8	0.059	5.6
Phenanthrene	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers	1330-20-7	0.32	30
(sum of o-, m-, and p- xylene concentrations)			
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	5.0 mg/l TCLP

K050

Heat exchanger bundle cleaning sludge from the petroleum refining industry.

Benzo(a)pyrene	50-32-8	0.061	3.4
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	5.0 mg/l TCLP
K051			
API separator sludge from the petroleum refining industry.			
Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benzo(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	2218-01-9	0.059	3.4
Di-n-butyl phthalate	105-67-9	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	5.6
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Pyrene	108-95-2	0.039	6.2
Toluene	129-00-0	0.067	8.2
Xylenes-mixed isomers	106-88-3	0.08	10
(sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	5.0 mg/l TCLP

K052

Tank bottoms (leaded) from the petroleum refining industry.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p- cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m- cresol)			
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Pyrene	108-95-2	0.039	6.2
Toluene	106-88-3	0.08	10

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Xylene-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	5.0 mg/l TCLP

K060

Ammonia still line sludge from coking operations.

Benzene	71-43-2	0.14	10
Benzophenone	50-32-6	0.061	3.4
Naphthalene	91-20-3	0.033	2.6
Phenol	108-95-2	0.039	4.2
Cyanides (Total)(7)	57-12-5	1.2	590

K061

Emission control dust or sludge from the primary production of steel in electric furnaces.

Arsenic	7440-36-0	NA	2.1 mg/l TCLP
Barium	7440-38-2	NA	5.0 mg/l TCLP
Beryllium	7440-39-3	NA	7.6 mg/l TCLP
Cadmium	7440-41-7	NA	0.014 mg/l TCLP
Chromium (Total)	7440-43-9	0.69	0.19 mg/l TCLP
Lead	7440-47-3	2.77	0.86 mg/l TCLP
Mercury	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7439-97-6	NA	0.025 mg/l TCLP
Selenium	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7782-49-2	NA	0.16 mg/l TCLP
Thallium	7740-22-4	NA	0.30 mg/l TCLP
Zinc	7440-28-1	NA	0.078 mg/l TCLP
	7440-66-6	NA	5.3 mg/l TCLP

K062

Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).

Chromium (Total)	7740-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	NA

K069

Emission control dust or sludge from secondary lead smelting. - Calcium sulfate (Low Lead) Subcategory

Cadmium	7440-43-9	0.69	0.19 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP

K069

Emission control dust or sludge from secondary lead smelting. - Non-Calcium

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

sulfate (High Lead) Subcategory	NA	NA	NA
Mercury	7439-97-6	NA	0.025 mg/l TCLP
Mercury	7439-97-6	NA	0.20 mg/l TCLP

K071
K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is to used) nonwastewater that are residues from RMERC. 7439-97-6

K071

All K071 wastewaters.

Mercury	7439-97-6	0.015	NA
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K073

Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.0566-0.058	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K083

Distillation bottoms from aniline production.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
Cyclohexanone	108-94-1	0.36	NA
Diphenylamine	122-39-4	0.92	13
(difficult to distinguish from diphenylnitrosamine)			
Diphenylnitrosamine			
(difficult to distinguish from diphenylamine)			
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Nickel	7440-02-0	3.98	5.0 mg/l TCLP

K084

Wastewater treatment sludges generated during the production of veterinary

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

pharmaceuticals from arsenic or organo-arsenic compounds.

Arsenic 7440-38-2 1.4

5.0 mg/l TCLP

K085 Distillation or fractionation column bottoms from the production of chlorobenzenes.

Benzene 71-43-2 0.014

Chlorobenzene 108-90-7 6.0

m-Dichlorobenzene 541-73-1 0.036

p-Dichlorobenzene 95-50-1 0.088

Hexachlorobenzene 106-46-7 6.0

Total PCBs 1336-36-3 0.10

(sum of all PCB isomers, or all Aroclors)

Pentachlorobenzene 608-93-5 0.055

1,2,4,5-tetrachlorobenzene 95-94-3 0.055

1,2,4-trichlorobenzene 120-82-1 0.055

K086

Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubed equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.

Acetone 67-64-1 0.28

Acetophenone 96-86-2 0.010

bis(2-Ethylhexyl) phthalate 117-81-7 0.28

n-Butyl alcohol 71-36-3 5.6

Butylbenzyl phthalate 85-68-7 2.6

Cyclohexanone 108-94-1 0.36

p-Dichlorobenzene 95-50-1 0.088

Diethyl phthalate 84-66-2 0.20

Dimethyl phthalate 131-11-3 0.047

Di-n-butyl phthalate 84-74-2 0.057

Di-n-octyl phthalate 117-84-0 0.017

Ethyl acetate 141-78-6 0.34

Ethylbenzene 100-41-4 0.057

Methanol 67-56-1 5.6

Methyl ethyl ketone 78-93-3 0.28

Methyl isobutyl ketone 109-10-1 0.14

Methylene chloride 75-09-2 0.089

Naphthalene 91-20-3 0.059

Nitrobenzene 98-95-3 0.068

Toluene 108-88-3 0.080

1,1,1-trichloroethane 71-55-6 6.0

Trichloroethylene 79-01-6 0.054

Xylenes-mixed isomers 1330-20-7 0.32

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(sum of o-, m-, and p-xylylene concentrations)

Chromium (Total) 7440-47-3 2.77

Cyanides (Total)(7) 57-12-5 1.2

Lead 7439-92-1 0.69

30

0.86 mg/l TCLP

590

0.37 mg/l TCLP

K087 Decanter tank tar sludge from coking operations.

Acenaphthylene 208-96-8 0.059

Benzene 71-43-2 0.14

Chrysene 218-01-9 3.4

Fluoranthene 206-44-0 0.068

Indeno(1,2,3-cd)pyrene 193-39-5 0.0055

Naphthalene 91-20-3 0.059

Phenanthrene 85-01-8 0.059

Toluene 108-88-3 0.080

Xylenes-mixed isomers 1330-20-7 0.32

7439-92-1 0.069

0.37 mg/l TCLP

K088

Sport bottlers from primary aluminum reduction.

Acenaphthene 83-32-9 0.059

Anthracene 120-12-7 0.059

Benz(a)anthracene 56-55-3 0.059

Benz(a)pyrene 50-32-8 0.061

Benz(b)fluoranthene 205-99-2 0.11

Benz(k)fluoranthene 207-08-9 0.11

Benz(g,h,i)perylene 191-24-2 0.0055

Chrysene 218-01-9 0.059

Dibenz(a,h)anthracene 53-70-3 0.055

Fluoranthene 206-44-0 0.068

Indeno(1,2,3-cd)pyrene 193-39-5 0.0055

Phenanthrene 85-01-8 0.059

Pyrene 129-00-0 0.067

Antimony 7440-36-0 1.9

Arsenic 7440-38-2 1.4

Barium 7440-39-3 1.2

Beryllium 7440-41-7 0.82

Cadmium 7440-43-9 0.69

Chromium (Total) 7440-47-3 2.77

Lead 7439-92-1 0.69

Mercury 7439-97-6 0.15

Nickel 7440-02-0 3.98

Selenium 7782-49-2 0.82

0.19 mg/l TCLP

0.86 mg/l TCLP

0.37 mg/l TCLP

0.1025 mg/l TCLP

5.0 mg/l TCLP

0.16 mg/l TCLP

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Silver 7440-22-4 0.43 0.30 mg/l TCLP
 Cranide (Total)(7) 57-12-5 1.2 590
 Cranide (Amenable)(1) 57-12-5 0.86 30
 Fluoride 16984-48-8 35 48 mg/l TCLP

R093 Distillation light ends from the production of phthalic anhydride from orthoxyene.

Phthalic anhydride 100-21-0 0.055 28

(measured as Phthalic acid or Terephthalic acid or Terephthalic acid)

Phthalic anhydride 85-44-9 0.055 28

(measured as Phthalic acid or Terephthalic acid)

R094 Distillation bottoms from the production of phthalic anhydride from orthoxyene.

Phthalic anhydride 100-21-0 0.055 28

(measured as Phthalic acid or Terephthalic acid)

Phthalic anhydride 85-44-9 0.055 28

(measured as Phthalic acid or Terephthalic acid)

R095 Distillation bottoms from the production of 1,1,1-trichloroethane.

Hexachloroethane 67-72-1 0.055 30

Pentachloroethane 76-01-7 0.055 6.0

1,1,1,2-Tetrachloroethane 630-20-6 0.057 6.0

1,1,2,2-Tetrachloroethane 79-34-6 0.057 6.0

1,1,2,2-Tetrachloroethane 127-18-4 0.056 6.0

1,1,2-Trichloroethane 79-00-5 0.054 6.0

Trichloroethylene 79-01-6 0.054 6.0

R096 Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.

m-Dichlorobenzene 541-73-1 0.036 6.0

Pentachloroethane 76-01-7 0.055 6.0

1,1,1,2-Tetrachloroethane 630-20-6 0.057 6.0

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1,1,2,2-Tetrachloroethane 79-34-6 0.057 6.0

Tetrachloroethylene 127-18-4 0.056 6.0

1,2,4-Trichlorobenzene 120-82-1 0.055 19

1,1,2-Trichloroethane 79-00-5 0.054 6.0

Trichloroethylene 79-01-6 0.054 6.0

K097 Vacuum stripper discharge from the chloridene chlorinator in the production of chloridene.

Chloridene alpha and gamma isomers 57-74-9 0.0033 0.26

Heptachlor 76-44-8 0.0012 0.066

Heptachlor epoxide 1024-57-3 0.016 0.066-0.069

Hexachlorocyclopentadiene 77-47-4 0.057 2.4

K098 Untreated process wastewater from the production of toxaphene.

Toxaphene 8001-35-2 0.0095 2.6

K099 Untreated wastewater from the production of 2,4-D.

2,4-Dichlorophenoxy- 94-75-7 0.72 10

acetic acid

HxCDDs (All Hexachloro- NA 0.000063 0.001

benzo-p-dioxins)

HxCDFs (All) Hexachloro- NA 0.000063 0.001

benzofurans)

PeCDDs (All Pentachloro- NA 0.000063 0.001

benzo-p-dioxins)

PeCDFs (All Pentachloro- NA 0.000035 0.001

benzofurans)

TCDDs (All Tetrachloro- NA 0.000063 0.001

benzo-p-dioxins)

TCDFs (All Tetrachloro- NA 0.000063 0.001

benzofurans)

K100 Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.

Cadmium 7440-43-9 0.69 0.19 mg/l TCLP

Chromium (Total) 7440-47-3 2.77 0.86 mg/l TCLP

Lead 7439-92-1 0.69 0.37 mg/l TCLP

K101 Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

the production of methyl bromide.
Methyl bromide (Bromo- 74-83-9 15
methane)
K132
Spent absorbent and wastewater separator solids from the production of methyl bromide.
Methyl bromide (Bromo- 74-83-9 15
methane)

K136
Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.
Methyl bromide (Bromo- 74-83-9 15
methane)
Chloroform 67-66-3 6.0
Ethylene dibromide 106-93-4 0.046
(1,1,2-Dibromoethane) 0.028 15

K141
Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).
Benzene 71-43-2 10
Benzol(a)anthracene 56-55-3 3.4
Benzol(a)pyrene 50-2-8 3.4
distinguish from benzo-
(k)fluoranthene
Benzol(k)fluoranthene 207-08-9 6.8
distinguish from benzo-
(b)fluoranthene
Chrysene 218-01-9 0.059
Diben[*a,h*]anthracene 53-70-3 8.2
Indeno(1,2,3-*cd*)pyrene 193-39-5 0.0055 3.4

K142
Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.
Benzene 71-43-2 10
Benzol(a)anthracene 56-55-3 3.4
Benzol(a)pyrene 50-2-8 3.4
Benzol(b)fluoranthene 205-99-2 6.8
distinguish from benzo-
(k)fluoranthene
Benzol(k)fluoranthene 207-08-9 6.8

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(difficult to distinguish from benzo-
(b)fluoranthene)
Chrysene 218-01-9 0.059 3.4
Diben[*a,h*]anthracene 53-70-3 8.2
Ideno(1,2,3-*cd*)pyrene 193-39-5 0.0055 3.4
K143
Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.
Benzene 71-43-2 10
Benzol(a)anthracene 56-55-3 3.4
Benzol(a)pyrene 50-32-8 0.061 3.4
Benzol(b)fluoranthene 205-99-2 0.11 6.8
distinguish from benzo-
(k)fluoranthene
Benzol(k)fluoranthene 207-08-9 0.11 6.8
distinguish from benzo-
(b)fluoranthene
Chrysene 218-01-9 0.059 3.4

K144
Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludge from the recovery of coke by-products produced from coal.
Benzene 71-43-2 10
Benzol(a)anthracene 56-55-3 3.4
Benzol(a)pyrene 50-32-8 0.061 3.4
Benzol(b)fluoranthene 205-99-2 0.11 6.8
distinguish from benzo-
(k)fluoranthene
Benzol(k)fluoranthene 207-08-9 0.11 6.8
distinguish from benzo-
(b)fluoranthene
Chrysene 218-01-9 0.059 3.4

K145
Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.
Benzene 71-43-2 10
Benzol(a)anthracene 56-55-3 3.4
Benzol(a)pyrene 50-32-8 0.061 3.4

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachloro- benzene	95-94-3	0.055	14
Toluene	108-88-3	0.080	10

K150

Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachloro- benzene	95-94-3	0.055	14
1,1,2,2-Tetrachloro- ethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K151

Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Benzene	71-43-2	0.14	10
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachloro- benzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10

K156

Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propyl-n-butylcarbamate.) (10)

Acetonitrile	75-05-8	5.6	38
Acetophenone	96-86-2	0.010	9.7
Aniline	62-53-3	0.81	14
Benomyl	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10

POLLUTION CONTROL BOARD

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Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Naphthalene	91-20-3	0.059	5.6

K147

Tar storage tank residues from coal tar refining.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-35-8	0.059	3.4
Benz(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K148

Residues from coal tar distillation, including, but not limited to, still bottoms.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K149

Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)

Benzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Carbaryl	63-25-21	0.006	0.14
Carbazadiazin	10605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chlorobenzene	108-90-7	0.046	6.0
Chlorobenzene	95-50-3	0.000	6.0
Methylene chloride	16752-71-5	0.028	0.14
Methyl ethyl ketone	75-09-2	0.089	30
Naphthalene	78-91-3	0.28	36
Phenol	108-95-2	0.059	5.6
Pyridine	110-86-1	0.014	16
Toluene	108-90-3	0.080	10
Triethylamine	121-44-8	0.081	1.5

K157

Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propyl-n-butylcarbamate.(10))

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
Methanol	16752-71-5	0.028	0.14
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-91-3	0.28	36
o-Phenylenediamine	95-54-5	0.056	5.6
Pyridine	110-86-1	0.014	16
Triethylamine	121-44-8	0.081	1.5

K158

Baghouse dusts and filler/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propyl-n-butylcarbamate.(10))

Benzoic acid	17004-15-2	0.056	1.4
Benzene	71-43-2	0.14	10
Carbazadiazin	10605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chloroform	67-66-3	0.046	6.0
Methylene chloride	75-09-2	0.089	30
Phenol	108-95-2	0.039	6.2

K159

Organics from the treatment of thiocarbamate wastes.(10)

Benzene	71-43-2	0.14	10
Butylate	2008-41-5	0.042	1.4

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

EPIC (Ephedrine)	759-94-4	0.042	1.4
Malonate	2212-47-1	0.002	1.4
Sebacate	1114-71-2	0.002	1.4
Verolate	1939-77-7	0.042	1.4

K161

Purification solids (including filtration, evaporation, and centrifugation of solids), baghouse dust, and floor sweepings from the production of dihydrocarbamate acids and their salts.(10)

Antimony	7440-36-0	1.9	2.1 mg/l TCLP
Arsenic	7440-38-2	1.9	5.0 mg/l TCLP
Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
Dithiocarbamate (total)	NA	0.028	28
Lead	7439-92-1	0.69	0.17 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Selenium	7782-49-2	0.82	0.16 mg/l TCLP

P001
Warfarin, & salts, when present at concentrations greater than 0.34
Warfarin
81-81-2
(WETOX or
CHOXD) fls
CARBN; or
CHBST+NEIN

P002

1-Acetyl-2-thiourea
1-Acetyl-2-thiourea
591-08-2
(WETOX or
CHOXD) fls
CARBN; or
CHBST+NEIN

P003

Acrolein
Acrolein
107-02-8
487-92-6
0.29
CHBST

P004

Aldrin
Aldrin
309-00-2
0.021
0.066+468

P005

Allyl alcohol
Allyl alcohol
107-18-6
(WETOX or
CHOXD) fls
CARBN; or
CHBST+NEIN

P006

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(WETOX or
CHOXD) fb
CARBN; or
CMBS+MEIN

P024
p-Chloroaniline
p-Chloroaniline 106-47-8 16

P026
1-(o-Chlorophenyl)thiourea
1-(o-Chlorophenyl)thio-
urea 5344-82-1

(WETOX or
CHOXD) fb
CARBN; or
CMBS+MEIN

P027
3-Chloropropionitrile
3-Chloropropionitrile 542-76-7

(WETOX or
CHOXD) fb
CARBN; or
CMBS+MEIN

P028
Benzyl chloride
Benzyl chloride 100-44-7

(WETOX or
CHOXD) fb
CARBN; or
CMBS+MEIN

P029
Copper cyanide
Cyanides (Total)(7)
Cyanides (Amenable)(7) 57-12-5
57-12-5 0.86

P030
Cyanides (soluble salts and complexes)
Cyanides (Total)(7)
Cyanides (Amenable)(7) 57-12-5
57-12-5 0.86

P031
Cyanogen
Cyanogen 460-19-5

CHOXD; WETOX;
or CMBS+MEIN

P033
Cyanogen chloride
Cyanogen chloride 506-77-4

CHOXD; WETOX;
or CMBS+MEIN

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P034
2-Cyclohexyl-4,6-dinitrophenol
2-Cyclohexyl-4,6-
dinitrophenol 131-89-5

(WETOX or
CHOXD) fb
CARBN; or
CMBS+MEIN

P036
Dichlorophenylarsine
Arsenic 7440-38-2 1.4

5.0 mg/l TCLP

P037
Dieldrin
Dieldrin 60-57-1 0.017

0.13

P038
Diethylarsine
Arsenic 7440-38-2 1.4

5.0 mg/l TCLP

P039
Disulfoton
Disulfoton 298-04-4 0.017

6.2

P040
o,o-Diethyl-o-pyrazinyl-phosphorothioate
o,o-Diethyl-o-pyrazinyl- 297-97-2
phosphorothioate

CARBN; or
CMBS+MEIN

P041
Diethyl-p-nitrophenyl phosphate
Diethyl-p-nitrophenyl 311-45-5
phosphate

CARBN; or
CMBS+MEIN

P042
Epinephrine
Epinephrine 51-43-4

(WETOX or
CHOXD) fb
CARBN; or
CMBS+MEIN

P043
Diisopropylfluorophosphate (DPF)
Diisopropylfluoro-
phosphate (DPF) 55-91-4

CARBN; or
CMBS+MEIN

P044
Dimethoate
Dimethoate 60-51-5

CARBN; or
CMBS+MEIN

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

		<u>CMBSTINGIN</u>
P045 Thiofanox Thiofanox	39136-18-4	(WETOX or CHOXD) fb CARN: or <u>CMBSTINGIN</u>
P046 alpha, alpha-Dimethylphenethylamine phenethylamine	122-09-8	(WETOX or CHOXD) fb CARN: or <u>CMBSTINGIN</u>
P047 4,6-Dinitro-O-cresol 4,6-Dinitro-O-cresol	543-52-1	0.28
P047 4,6-Dinitro-O-cresol salts NA	NA	<u>CMBSTINGIN</u>
P048 2,4-Dinitrophenol	51-28-5	0.12
P049 Dithioburet Dithioburet	541-53-7	(WETOX or CHOXD) fb CARN: or <u>CMBSTINGIN</u>
P050 Endosulfan Endosulfan I Endosulfan II Endosulfan sulfate	939-98-8 33213-6-5 1031-07-8	0.023 0.029 0.029
P051 Endrin Endrin Endrin aldehyde	72-20-8 7421-93-4	0.0028 0.025

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

P054 Aziridine	151-56-4	(WETOX or CHOXD) fb CARN: or <u>CMBSTINGIN</u>
P056 Fluorine Fluoride (measured in wastewaters only)	16964-48-8	35
P057 Fluoroacetamide Fluoroacetamide	640-19-7	(WETOX or CHOXD) fb CARN: or <u>CMBSTINGIN</u>
P058 Fluoroacetic acid, sodium salt Fluoroacetic acid, sodium salt	62-74-8	(WETOX or CHOXD) fb CARN: or <u>CMBSTINGIN</u>
P059 Heptachlor Heptachlor Heptachlor epoxide	76-44-8 1024-57-3	0.0012 0.016
P060 Isodrin Isodrin	465-73-6	0.021
P062 Hexaethyl tetraphosphate	757-58-4	CARN: or <u>CMBSTINGIN</u>
P063 Hydrogen cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86
P064 Isocyanic acid, ethyl ester		590 30

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Nitric oxide ADGAS 10102-43-9 ADGAS

p077
p-Nitroaniline

100-01-6 0.028

p078
Nitrogen dioxide

10102-44-0 ADGAS

p081
Nitroglycerin56-63-0
CHOXD; CHRED;
CARIN; BUDG;
or CMBSSTINEINp082
N-Nitrosodimethylamine

62-75-9 0.40

p084
N-Nitrosomethylvinylamine4549-40-0
(WETOX or
CHOXD) Eb
CARIN; or
CMBSSTINEINp085
Octamethylpyrophosphoramide142-16-9
CARIN; or
CMBSSTINEINp087
Osmium tetroxide

20816-12-0

p088
Endothall145-73-3
(WETOX or
CHOXD) Eb
CARIN; or
CMBSSTINEINp089
Parathion

56-38-2 0.014

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

p092

p092 (phenyl mercuric acetate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.

Mercury 7439-97-6 NA 1MRBC; or RMERC

p092

p092 (phenyl mercuric acetate) nonwastewaters that are either incinerator residues or are residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury.

Mercury 7439-97-6 NA RMERC

p092

p092 (phenyl mercuric acetate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.

Mercury 7439-97-6 NA 0.20 mg/l TCLP

p092

p092 (phenyl mercuric acetate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.

Mercury 7439-97-6 NA 0.025 mg/l TCLP

p092

All p092 (phenyl mercuric acetate) wastewaters.

Mercury 7439-97-6 0.15 NA

p093

Phenylthiourea

103-85-5

(WETOX or
CHOXD) Eb
CARIN; or
CMBSSTINEIN

p094

Phorate

298-02-2 0.021 4.6

p095

Phosgene

75-44-5

(WETOX or
CHOXD) Eb
CARIN; or
CMBSSTINEIN

p096

Phosphine

4.6

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

Physostigmine salicylate	57-64-7	0.056	1.4
P189 Carbosulfan(10) Carbosulfan	55285-14-8	0.028	1.4
P190 Methiocarb(10) Methiocarb	1129-41-5	0.056	1.4
P191 Dimethilan(10) Dimethilan	644-64-4	0.056	1.4
P192 Isolan(10) Isolan	119-38-0	0.056	1.4
P194 Oxamyl(10) Oxamyl	23135-22-0	0.056	0.28
P196 Manganese dimethyldithiocarbamates (total)(10) Dithiocarbamates (total)	NA	0.028	28
P197 Formetanate(10) Formetanate	17702-57-7	0.056	1.4
P198 Formetanate hydrochloride(10) Formetanate hydro- chloride	23422-53-9	0.056	1.4
P199 Methiocarb(10) Methiocarb	2032-65-7	0.056	1.4
P201 Promecarb(10) Promecarb	2631-37-0	0.056	1.4
P202 m-Cumenyl methylcarbamate(10)			

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

P118 Trichloromethanethiol Trichloromethanethiol	75-70-7	CMBSTINGIN	
P119 Ammonium vanadate Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL
P120 Vanadium pentoxide Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL
P121 Zinc cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30
P122 Zinc phosphide Zn(1P)(2), when present at concentrations greater than 10% Zinc Phosphide 1314-84-7		CHOXD; CHRED; or CMBSTINGIN	
P123 Toxaphene Toxaphene	8001-35-2	0.0095	2.6
P127 Carbofuran(10) Carbofuran	1563-66-2	0.006	0.14
P128 Mexacarb(10) Mexacarb	315-18-4	0.056	1.4
P185 Tirpate(10) Tirpate	26419-73-8	0.056	0.28
P188 Physostigmine salicylate			

POLLUTION CONTROL BOARD NOTICE OF ADOPTED AMENDMENTS	
m-Cumaryl methyl- carbamate	64-00-6 0.056 1.4
P203 Aldicarb sulfone(10)	1646-88-4 0.056 0.28
P204 Physostigmine(10)	57-47-6 0.056 1.4
P205 Zirman(10)	NA 0.028 28
Dithiocarbamates (Total)	
U001 Acetaldehyde	75-07-0 (WETOX or CHOXD) fb CARBN; or CMBS†#NEIN
U002 Acetone	67-64-1 0.28 160
U003 Acetonitrile	75-05-8 5.6 CMBS†#NEIN
Acetonitrile Acetonitrile; alternate(6)5-05-8 standard for nonwastewaters only	NA 384-9
U004 Acetophenone	98-86-2 0.010 9.7
U005 2-Acetylaminofluorene	53-96-3 0.059 140
U006 Acetyl chloride	75-36-5 (WETOX or CHOXD) fb CARBN; or CMBS†#NEIN

POLLUTION CONTROL BOARD NOTICE OF ADOPTED AMENDMENTS	
U007 Acrylamide	79-06-1 (WETOX or CHOXD) fb CARBN; or CMBS†#NEIN
U008 Acrylic acid	79-10-7 (WETOX or CHOXD) fb CARBN; or CMBS†#NEIN
U009 Acrylonitrile	107-13-1 0.24 84
U010 Mitomycin C	50-07-7 (WETOX or CHOXD) fb CARBN; or CMBS†#NEIN
U011 Amitrole	61-82-5 (WETOX or CHOXD) fb CARBN; or CMBS†#NEIN
U012 Aniline	62-53-3 0.81 14
U014 Auramine	492-80-8 (WETOX or CHOXD) fb CARBN; or CMBS†#NEIN
U015 Azaserine	115-02-6 (WETOX or CHOXD) fb CARBN; or CMBS†#NEIN

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

CMBSTINEIN

U016
Benz(c)acridine
Benz(c)acridine

225-51-4

(WETOX or
CHOXD) fb
CARN; or
CMBSTINEIN

CMBST

7.2

U017
Benzal chloride
Benzal chloride

98-87-3

(WETOX or
CHOXD) fb
CARN; or
CMBSTINEIN

CMBSTINEINCMBSTINEIN

6.0

U018
Benz(a)anthracene
Benz(a)anthracene

56-55-3

0.059

3.4

7.2

U019
Benzene
Benzene

71-43-2

0.14

10

28

U020
Benzenesulfonyl chloride
Benzenesulfonyl chloride

98-09-9

(WETOX or
CHOXD) fb
CARN; or
CMBSTINEIN

CMBSTINEIN

15

U021
Benzidine
Benzidine

92-87-5

(WETOX or
CHOXD) fb
CARN; or
CMBSTINEIN

CMBSTINEIN

15

U022
Benzo(a)pyrene
Benzo(a)pyrene

50-32-8

0.061

3.4

2.6

U023
Benzotrifluoride
Benzotrifluoride

98-07-7

CHOXD; CHRED;
CARN; BIOOG;
or CMBSTINEIN

CHOXD; CURED;
or CMBST

7440-47-3

2.77

0.86 mg/l TCLP

(WETOX or
CHOXD) fbCMBSTINEIN

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U024
bis(2-Chloroethoxy)methane
bis(2-Chloroethoxy)-
methane

111-91-1

0.036

7.2

U025
bis(2-Chloroethyl)ether
bis(2-Chloroethyl)ether

111-44-4

0.033

6.0

U026
Chloranaphazine
Chloranaphazine

494-03-1

(WETOX or
CHOXD) fb
CARN; or
CMBSTINEIN

CMBSTINEIN

U027
bis(2-Chloroisopropyl)ether
bis(2-Chloroisopropyl)-
ether

39638-32-9
±88-68±

0.055

7.2

U028
bis(2-Ethylhexyl)phthalate
bis(2-Ethylhexyl)-
phthalate

117-81-7

0.28

28

U029
Methyl bromide (Bromomethane)
Methyl bromide (Bromo-
methane)

74-83-9

0.11

15

U030
4-Bromophenyl phenyl ether
4-Bromophenyl phenyl
ether

101-55-3

0.055

15

U031
n-Butyl alcohol
n-Butyl alcohol

71-36-3

5.6

2.6

U032
Calcium chromate
Chromium (Total)

7440-47-3

2.77

0.86 mg/l TCLP

U033
Carbon oxyfluoride
Carbon oxyfluoride

353-50-4

(WETOX or
CHOXD) fbCMBSTINEIN

97

POLLUTION CONTROL BOARD		POLLUTION CONTROL BOARD	
NOTICE OF ADOPTED AMENDMENTS		NOTICE OF ADOPTED AMENDMENTS	
(sum of o-, m-, and p- xylene concentrations)	7439-92-1	0.69	0.37 mg/l TCLP
Lead			
U052			
Cresols (Cresylic acid)	95-48-7	0.11	5.6
o-Cresol	108-39-4	0.77	5.6
m-Cresol (difficult to distinguish from p- cresol)			
p-Cresol (difficult to distinguish from m- cresol)	106-44-5	0.77	5.6
Cresol-mixed isomers (Cresylic acid)	1319-77-3	0.88	11.2
(sum of o-, m-, and p- cresol concentrations)			
U053			
Crotonaldehyde	4170-30-3	(METOX or CHOXD) fb	CMBS†
Crotonaldehyde		CARB†: or CMBS†:IN	
U055			
Cumene	98-82-8	(METOX or CHOXD) fb	CMBS†
Cumene		CARB†: or CMBS†:IN	
U056			
Cyclohexane	110-82-7	(METOX or CHOXD) fb	CMBS†
Cyclohexane		CARB†: or CMBS†:IN	
U057			
Cyclohexanone	108-94-1	0.36	CMBS†
Cyclohexanone	108-94-1	NA	0.75 mg/l TCLP
Cyclohexanone; alternate(6) standard for nonwastewaters only			
U058			
Cyclophosphamide			
U059			
Danomycin			
Danomycin			
U060			
DDD			
O,P'-DDD			
P,P'-DDD			
U061			
DD†			
O,P'-DD†			
P,P'-DD†			
U062			
Diallate			
Diallate			
U063			
Dibenz(a,h)anthracene			
Dibenz(a,h)anthracene			
U064			
Dibenz(a,i)pyrene			
Dibenz(a,i)pyrene			
U066			
1,2-Dibromo-3-chloro- propane 1,2-Dibromo-3- chloropropane			
U067			

ILLINOIS REGISTER

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU114
Ethylenebisdithiocarb-
amic acid salts and esters
Ethylenebisdithio-
Carbamic acid(WETOX or
CHOXD) fb
CARN; or
CMBSU115
Ethylene oxide
Ethylene oxide;CHOXD; or
CMBSEthylene oxide;
alternate(6) standard for
wastewaters only

NA

U116
Ethylene thiourea
Ethylene thiourea(WETOX or
CHOXD) fb
CARN; or
CMBSU117
Ethyl ether
Ethyl ether

160

U118
Ethyl methacrylate
Ethyl methacrylate

160

U119
Ethyl methane sulfonate
Ethyl methane sulfonate(WETOX or
CHOXD) fb
CARN; or
CMBSU120
Fluoranthene
Fluoranthene

3.4

ILLINOIS REGISTER

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

140

032

2,4-Dinitrotoluene

28

0.55

2,6-Dinitrotoluene

28

0.017

U107
Di-n-octyl phthalate

28

0.017

U108
1,4-Dioxane

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBS

170

NA

1,4-Dioxane; alternate
(6) standard for
nonwastewaters onlyCHOXD; CHERD;
or CMBSCHOXD; CHERD;
CARN; BLOC;
or CMBSU109
1,2-Diphenylhydrazine

NA

0.087

1,2-Diphenylhydrazine;
alternate(6) standard
for wastewaters onlyU110
Dipropylamine(WETOX or
CHOXD) fb
CARN; or
CMBSU111
Di-n-propylnitrosamine

14

0.40

U112
Ethyl acetate

33

0.34

U113
Ethyl acrylate

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU114
Ethyl methacrylate

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU115
Ethyl methane sulfonate

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU116
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU117
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU118
Ethyl methacrylate

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU119
Ethyl methane sulfonate

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU120
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU121
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU122
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU123
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU124
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU125
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU126
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU127
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU128
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU129
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU130
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU131
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU132
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU133
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU134
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU135
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU136
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU137
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU138
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU139
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU140
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU141
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU142
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU143
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU144
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU145
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU146
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU147
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU148
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU149
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU150
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU151
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU152
Fluoranthene

CMBS

(WETOX or
CHOXD) fb
CARN; or
CMBSU153
Fluoranthene

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

U121	Trichloromonofluoromethane	75-69-4	0.020	30	U129 Lindane	319-84-6 alpha-BHC 319-85-7 beta-BHC 319-86-8 delta-BHC 58-89-9 gamma-BHC (Lindane)	0.00014 0.066 0.066 0.023 0.066 0.066		
U122	Formaldehyde Formaldehyde	50-00-0	(WETOX or CHOXD) fb CARBN; or CMBS†NEIN	CMBS†	U130 Hexachlorocyclopentadiene Hexachlorocyclopenta- diene	77-47-4	0.057	2.4	
U123	Formic acid	64-18-6	(WETOX or CHOXD) fb CARBN; or CMBS†NEIN	CMBS†	U131 Hexachloroethane Hexachloroethane	67-72-1	0.055	30	
U124	Furan	110-00-9	(WETOX or CHOXD) fb CARBN; or CMBS†NEIN	CMBS†	U132 Hexachlorophene Hexachlorophene	70-30-4	(WETOX or CHOXD) fb CARBN; or CMBS†NEIN	CMBS†NEIN	
U125	Furfural	98-01-1	(WETOX or CHOXD) fb CARBN; or CMBS†NEIN	CMBS†	U133 Hydrazine Hydrazine	302-01-2	CHOXD; CHRED; CARBN; BIODG; or CMBS†NEIN	CHOXD; CHRED; or CMBS†	
U126	Glycidylaldehyde Glycidylaldehyde	765-34-4	(WETOX or CHOXD) fb CARBN; or CMBS†NEIN	CMBS†	U134 Hydrogen fluoride Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR; or NEUTR	
U127	Hexachlorobenzene	118-74-1	(WETOX or CHOXD) fb CARBN; or CMBS†NEIN	CMBS†	U135 Hydrogen sulfide Hydrogen sulfide	7783-06-4	CHOXD; CHRED; or CMBS†NEIN	CHOXD; CHRED; or CMBS†NEIN	
U128	Hexachlorobutadiene Hexachlorobutadiene	87-68-3	0.055	10	U136 Cacodylic acid Arsenic	7440-38-2	1.4	5.0 mg/l TCLP	
			0.055	5.6	U137 Indeno(1,2,3-c,d)pyrene Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055	3.4	

POLLUTION CONTROL BOARD		POLLUTION CONTROL BOARD	
NOTICE OF ADOPTED AMENDMENTS		NOTICE OF ADOPTED AMENDMENTS	
U138 Isodimethane Iodomethane	74-88-4	0.19	65
U140 Isobutyl alcohol Isobutyl alcohol	78-83-1	5.6	170
U141 Isosafrole Isosafrole	120-59-1	0.081	2.6
U142 Kepone Kepone	143-50-8	0.0011	0.13
U143 Lasiocarpine Lasiocarpine	303-34-4	(WETOX or CHOXD) fb CARBN; or CMBSTINEIN	CMBSTINEIN
U144 Lead acetate Lead	7439-92-1	0.69	0.37 mg/l TCLP
U145 Lead phosphate Lead	7439-92-1	0.69	0.37 mg/l TCLP
U146 Lead subacetate Lead	7439-92-1	0.69	0.37 mg/l TCLP
U147 Maleic anhydride Maleic anhydride	108-31-6	(WETOX or CHOXD) fb CARBN; or CMBSTINEIN	CMBST
U148 Maleic hydrazide Maleic hydrazide	123-33-1	(WETOX or CHOXD) fb CARBN; or CMBSTINEIN	CMBSTINEIN
U149 Malononitrile Malononitrile	109-77-3	(WETOX or CHOXD) fb CARBN; or CMBSTINEIN	CMBSTINEIN
U150 Melphalan Melphalan	148-82-3	(WETOX or CHOXD) fb CARBN; or CMBSTINEIN	CMBSTINEIN
U151 Mercury Mercury	7439-97-6	NA	RMERC
U151 Mercury Mercury	7439-97-6	NA	0.20 mg/l TCLP
U151 Mercury Mercury	7439-97-6	NA	0.025 mg/l TCLP
U151 Mercury Mercury	7439-97-6	NA	0.15
U151 Mercury Mercury	7439-97-6	NA	AMLCM
U151 Mercury Mercury	7439-97-6	NA	84
U151 Mercury Mercury	7439-97-6	NA	CMBSTINEIN

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

CMBSTFNGIN

U154 Methanol Methanol	67-56-1	(WETOX or CHOXD) fb CARN; or <u>CMBSTFNGIN</u> 5.6	CMBST	0.75 mg/l TCLP
Methanol, alternate(6) set of standards for both wastewaters and nonwastewaters	67-56-1			
U155 Methapyrilene Methapyrilene	91-80-5	0.081	1.5	
U156 Methyl chlorocarbonate Methyl chlorocarbonate	79-22-1	(WETOX or CHOXD) fb CARN; or <u>CMBSTFNGIN</u>	<u>CMBSTFNGIN</u>	
U157 3-Methylcholanthrene 3-Methylcholanthrene	56-49-5	0.0055	15	
U158 4,4'-Methylene bis(2-chloroaniline) 4,4'-Methylene bis(2- chloroaniline)	101-14-4	0.50	30	
U159 Methyl ethyl ketone Methyl ethyl ketone	78-93-3	0.28	36	
U160 Methyl ethyl ketone peroxide Methyl ethyl ketone peroxide	1338-23-4	CHOXD; CHRED; CARN; BIOOG; or <u>CMBSTFNGIN</u>	CHOXD; CHRED; or CMBST	
U161 Methyl isobutyl ketone Methyl isobutyl ketone	108-10-1	0.14	33	
U162				

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Methyl methacrylate
Methyl methacrylate

160

0.14

U163

N-Methyl-N'-nitro-N-nitrosoquinidine
N-Methyl-N'-nitro-N-
nitrosoquinidineCMBSTFNGIN(WETOX or
CHOXD) fb
CARN; or
CMBSTFNGIN

U164

Methylthiouracil
MethylthiouracilCMBSTFNGIN(WETOX or
CHOXD) fb
CARN; or
CMBSTFNGIN

U165

Naphthalene
Naphthalene

5.6

0.059

U166

1,4-Naphthoquinone
1,4-Naphthoquinone

CMBST

(WETOX or
CHOXD) fb
CARN; or
CMBSTFNGIN

U167

1-Naphthylamine
1-NaphthylamineCMBSTFNGIN(WETOX or
CHOXD) fb
CARN; or
CMBSTFNGIN

U168

2-Naphthylamine
2-NaphthylamineCMBSTFNGIN

0.52

U169

Nitrobenzene
Nitrobenzene

1.4

0.068

U170

p-Nitrophenol
p-Nitrophenol

29

0.12

U171

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	<u>CMBSTINEIN</u>	N-Nitrosopyrrolidine	930-55-2	0.013	35
2-Nitropropane				U181			
				5-Nitro-o-toluidine	99-55-8	0.32	28
U172				5-Nitro-o-toluidine			
N-Nitrosodi-n-butylamine	924-16-3	0.40	17	U182			
N-Nitrosodi-n-butylamine				Paraldehyde	123-63-7	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	CMBST
U173				Paraldehyde			
N-Nitrosodiethanolamine	1116-54-7	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	<u>CMBSTINEIN</u>	U183			
N-Nitrosodiethanolamine				Pentachlorobenzene	608-93-5	0.055	10
U174				Pentachlorobenzene			
N-Nitrosodiethylamine	55-18-5	0.40	28	U184			
N-Nitrosodiethylamine				Pentachloroethane	76-01-7	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	CMBSTINEIN
U176				Pentachloroethane			
N-Nitroso-N-ethylurea	759-73-9	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	<u>CMBSTINEIN</u>	Pentachloroethane; alternate(s) standards for both wastewaters and nonwastewaters	76-01-7	0.055	6.0
N-Nitroso-N-ethylurea				U185			
U177				Pentachloronitrobenzene	82-68-8	0.055	4.8
N-Nitroso-N-methylurea	684-93-5	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	<u>CMBSTINEIN</u>	Pentachloronitrobenzene			
N-Nitroso-N-methylurea				U186			
U178				1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	CMBST
N-Nitroso-N-methylurethane	615-53-2	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINEIN</u>	<u>CMBSTINEIN</u>	1,3-Pentadiene			
U179				U187			
N-Nitrosopiperidine	100-75-4	0.013	35	Phenacetin	62-44-2	0.081	16
N-Nitrosopiperidine				U188			
U180				Phenol	108-95-2	0.039	6.2
				Phenol			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U189 Phosphorus sulfide Phosphorus sulfide	1314-80-3	CHOXD; CHRED; or <u>CMBSTINE#N</u>	CHOXD; CHRED; or <u>CMBSTINE#N</u>	
U190 Phthalic anhydride Phthalic anhydride (measured as Phthalic acid or Terephthalic acid) Phthalic anhydride	100-21-0 85-44-9	0.055 0.055	28 28	
U191 2-Picoline 2-Picoline	109-06-8	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINE#N</u>	<u>CMBSTINE#N</u>	
U192 Pronamide Pronamide	23950-58-5	0.093	1.5	
U193 1,3-Propane sultone 1,3-Propane sultone	1120-71-4	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINE#N</u>	<u>CMBSTINE#N</u>	
U194 n-Propylamine n-Propylamine	107-10-8	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINE#N</u>	<u>CMBSTINE#N</u>	
U196 Pyridine Pyridine	110-86-1	0.014	16	
U197 p-Benzquinone p-Benzquinone	106-51-4	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINE#N</u>	<u>CMBST</u>	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U200 Reserpine Reserpine	50-55-5	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINE#N</u>	<u>CMBSTINE#N</u>	
U201 Resorcinol Resorcinol	108-46-3	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINE#N</u>	<u>CMBST</u>	
U202 Saccharin and salts Saccharin	81-07-2	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINE#N</u>	<u>CMBSTINE#N</u>	
U203 Safrrole Safrrole	94-59-7	0.081	22	
U204 Selenium dioxide Selenium	7782-49-2	0.82	0.16 mg/l TCLP	
U205 Selenium sulfide Selenium	7782-49-2	0.82	0.16 mg/l TCLP	
U206 Streptozotocin Streptozotocin	18883-66-4	(WETOX or CHOXD) fb CARBN; or <u>CMBSTINE#N</u>	<u>CMBSTINE#N</u>	
U207 1,2,4,5-Tetrachlorobenzene 1,2,4,5-Tetrachloro- benzene	95-94-3	0.055	14	
U208 1,1,1,2-Tetrachloroethane 1,1,1,2-Tetrachloro- ethane	630-20-6	0.057	6.0	

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

ethane

U209 1,1,2,2-Tetrachloroethane 0.057 6.0
1,1,2,2-Tetrachloro-
ethane

U210 Tetrachloroethylene 0.056 6.0
Tetrachloroethylene

U211 Carbon tetrachloride 0.057 6.0
Carbon tetrachloride

U213 Tetrahydrofuran (WETOX or
CHOXD) fb
CARN; or
CMBST#NEIN CMBST

U214 Thallium (I) acetate 1.4 RTHM; or
Thallium (measured in STABL
wastewaters only)

U215 Thallium (I) carbonate 1.4 RTHM; or
Thallium (measured in STABL
wastewaters only)

U216 Thallium (I) chloride 1.4 RTHM; or
Thallium (measured in STABL
wastewaters only)

U217 Thallium (I) nitrate 1.4 RTHM; or
Thallium (measured in STABL
wastewaters only)

U218 Thioacetamide (WETOX or
CHOXD) fb
CARN; or
CMBST#NEIN CMBST#NEIN

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U219 Thiourea (WETOX or
CHOXD) fb
CARN; or
CMBST#NEIN CMBST#NEIN

U220 Toluene 62-56-6 0.080 10
Toluene

U221 Toluenediamine 25376-45-8 CARN; or
Toluenediamine CMBST#NEIN CMBST

U222 o-Toluidine hydrochloride (WETOX or
o-Toluidine hydro- CHOXD) fb
chloride CARN; or
CMBST#NEIN CMBST#NEIN

U223 Toluene diisocyanate 26471-62-5 CARN; or
Toluene diisocyanate CMBST#NEIN CMBST

U225 Bromoform (Tribromomethane) 0.63 15
Bromoform (Tribromo-
methane)

U226 1,1,1-Trichloroethane 0.054 6.0
1,1,1-Trichloroethane

U227 1,1,2-Trichloroethane 0.054 6.0
1,1,2-Trichloroethane

U228 Trichloroethylene 0.054 6.0
Trichloroethylene

U234 1,3,5-Trinitrobenzene (WETOX or
1,3,5-Trinitrobenzene CMBST#NEIN

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CHOXD) fb
CARBN; or
CMBSTINEIN

U235
tris-(2,3-Dibromopropyl)-phosphate
tris-(2,3-Dibromo-
propyl)-phosphate

0.11

U236

Trypan Blue

72-57-1

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINEIN

U237

Uracil mustard

Uracil mustard

66-75-1

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINEIN

U238

Urethane (Ethyl carbamate)

51-79-6

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINEIN

U239

Xylenes

xylenes-mixed isomers

(sum of o-, m-, and p-

xylene concentrations)

1330-20-7

0.32

U240

2,4-D (2,4-Dichlorophenoxyacetic acid)

2,4-D (2,4-Dichloro-

phenoxyacetic acid)

2,4-D (2,4-Dichloro-

phenoxyacetic acid)

salts and esters

NA

0.72

U241

Hexachloropropylene

Hexachloropropylene

1888-71-7

0.035

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(WETOX or
CHOXD) fb
CARBN; or
CMBSTINEIN

137-26-8

U244

Thiram

Thiram

U246

Cyanogen bromide

Cyanogen bromide

506-68-3

CHOXD; WETOX;
or CMBSTINEIN

CHOXD; WETOX;
or CMBSTINEIN

0.18

U247

Methoxychlor

Methoxychlor

72-43-5

0.25

U248

Warfarin, & salts, when present at concentrations of 0.3% or less

Warfarin

81-81-2

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINEIN

(WETOX or
CHOXD) fb
CARBN; or
CMBSTINEIN

U249

Zinc phosphide, Zn(3)P(2), when present at concentrations of 10% or less

Zinc Phosphide

1314-84-7

CHOXD; CHRED;
or CMBSTINEIN

CHOXD; CHRED;
or CMBSTINEIN

1.4

U271

Benomyl(10)

Benomyl

17804-35-2

0.056

U278

Bendiocarb(10)

Bendiocarb

22781-23-3

0.056

U279

Carbaryl(10)

Carbaryl

63-25-2

0.006

U280

Barban(10)

Barban

101-27-9

0.056

U288

O-Toluidine

O-Toluidine

95-53-4

CMBSTINEIN;
or CHOXD fb

CMBSTINEIN;
or Thermal

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U353	p-Toluidine	1-6-49-0	CMSTINEIN; or CHOXD fb (BODG or CARN); or BODG fb CARN	Destruction	U395	Dithylene glycol, dicarbamate(10) Dithylene glycol, dicarbamate	5952-26-1	0.056	1.4
U359	2-Ethoxyethanol 2-Thoxyethanol	110-80-5	CMSTINEIN; or CHOXD fb (BODG or CARN); or BODG fb CARN	CMSTINEIN; or-Phenol Destruction	U404	Triethylamine(10) Triethylamine	101-44-8	0.081	1.5
U364	Bendiocarb phenol(10) Bendiocarb phenol	22961-82-6	0.056	1.4	U409	Thiophanate-methyl(10) Thiophanate-methyl	23564-05-8	0.056	1.4
U367	Carbofuran phenol(10) Carbofuran phenol	1563-38-8	0.056	1.4	U410	Thiodicarb(10) Thiodicarb	59669-26-0	0.019	1.4
U372	Carbendazim(10) Carbendazim	10605-21-7	0.056	1.4	U411	Propoxur(10) Propoxur	114-26-1	0.056	1.4
U373	Propam(10) Propam	122-42-9	0.056	1.4	Notes:				
U387	Prosulfocarb(10) Prosulfocarb	52888-80-9	0.042	1.4	1	The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.			
U389	Triallate(10) Triallate	2303-17-5	0.042	1.4	2	CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.			
U394	A2213(10) A2213	30558-43-1	0.042	1.4	3	Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.			
					4	All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in 35 Ill. Adm. Code 728, Table C, "Technology Codes and Description of Technology-Based Standards". "fb" inserted between waste codes denotes "followed by", so that the first-listed treatment is followed by the second-listed treatment. "; separates alternative treatment schemes.			
					5	Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724, Subpart O or 35 Ill. Adm. Code 725, Subpart O or based upon combustion in fuel substitution units operating in accordance with applicable			

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technical requirements. A facility may comply with these treatment standards according to provisions in 35 Ill. Adm. Code 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory Subcategory or physical form (i.e., wastewater and/or nonwastewater) specified for that alternate standard.

7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical or Chemical Methods", USEPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

8 These wastes, when rendered nonhazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. [See Section 728.101(c)(3) and (c)(4).]

9 These wastes, when rendered nonhazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See 35 Ill. Adm. 738.101(d).)

10 This footnote corresponds with note 10 to the table to 40 CFR 268.40, which has already expired by its own terms. This statement maintains structural consistency with the federal regulations.

NA means not applicable.

(Source: Amended at 22 Ill. Reg. 728.140(a)(3), effective 11/1/88.)

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Section 728.TAMU# U Universal Treatment Standards (UTS)

Regulated Constituent- Common Name	CAS(1) No.	Wastewater Standard Concentration (in mg/l(2))	Nonwastewater Standard Concentration (in mg/kg(3)) Unless noted as "mg/l TCUP")
Az211(6)	30558-43-1	0.042	1.4
Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	38±9
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylamide	79-06-1	19	23
Acrylonitrile	107-13-1	0.24	84
Aldicarb sulfone(6)	1646-88-4	0.056	0.28
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	1.4
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066

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Barban(6)	101-27-9	0.056	1.4
Bendiocarb(6)	22781-23-3	0.056	1.4
Bendiocarb phenol(6)	22961-82-6	0.056	1.4
Benomyl(6)	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	1.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzene	71-43-2	0.14	1.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo- methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butylate(6)	2008-41-5	0.042	1.4
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitro- phenol (Dinoseb)	88-85-7	0.066	2.5
Carbazyl(6)	63-25-2	0.006	0.14

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Carbenazim(6)	10605-21-7	0.056	1.4
Carbofuran(6)	1563-66-2	0.006	0.14
Carbofuran phenol(6)	1563-38-8	0.056	1.4
Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
Carbon tetrachloride	56-23-5	0.057	6.0
Carbosulfan(6)	55285-14-8	0.028	1.4
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloro- ethoxy)methane	111-91-1	0.036	7.2
bis(2-Chloroethyl) ether	111-44-4	0.033	6.0
2-Chloroethyl vinyl ether	110-75-8	0.062	NA
Chloroform	67-66-3	0.046	6.0
bis(2-Chloro- isopropyl) ether	39638-32-9 148-66-1	0.055	7.2
p-Chloro-m-cresol	59-50-7	0.018	14
2-Chloroethyl-vinyl ether	110-95-8	0.062	NA
Chloromethane (Methyl chloride)	74-87-3	0.19	30

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2-Chloronaphthalene	91-58-7 0.055	5.6	Dibenz(a,e)pyrene	192-65-4 0.061	NA
2-Chlorophenol	95-57-8 0.044	5.7	1,2-Dibromo-3-chloro- propane	96-12-8 0.11	15
3-Chloropropylene	107-05-1 0.036	30	1,2-Dibromomethane/ Ethylene dibromide	106-93-4 0.028	15
Chrysene	218-01-9 0.059	3.4	Dibromomethane	74-95-3 0.11	15
o-Cresol	95-48-7 0.11	5.6	m-Dichlorobenzene	541-73-1 0.036	6.0
m-Cresol (difficult to distinguish from p- cresol)	108-39-4 0.77	5.6	o-Dichlorobenzene	95-50-91 0.088	6.0
p-Cresol (difficult to distinguish from m- cresol)	106-44-5 0.77	5.6	p-Dichlorobenzene	106-46-7 0.090	6.0
m-Cumenyl methyl- carbamate(6)	64-00-6 0.056	1.4	Dichlorodifluoromethane	75-71-8 0.23	7.2
Cyclohexanone	108-94-1 0.36	0.75mg/l TCUP	1,1-Dichloroethane	75-34-3 0.059	6.0
1,2-Dibromo-3-chloro- propane	96-12-8 0.11	15	1,2-Dichloroethane	107-06-2 0.21	6.0
Bethylene dibromide 1,2-Dibromoethane)	106-93-4 0.028	15	1,1-Dichloroethylene	75-35-4 0.025	6.0
Bibromomethane	74-95-3 0.11	15	trans-1,2-Dichloro- ethylene	156-60-5 0.054	30
2,4-Bis(2,4-Dichloro- phenoxyacetic acid)	94-75-7 0.72	10	2,4-Dichlorophenol	120-83-2 0.044	14
o,p'-DDD	53-19-0 0.023	0.087	2,6-Dichlorophenol	87-65-0 0.044	14
p,p'-DDD	72-54-8 0.023	0.087	2,4-Dichloro- phenoxyacetic acid(2,4-D)	94-75-7 0.72	10
o,p'-DDE	3424-82-6 0.031	0.087	1,2-Dichloropropane	78-87-5 0.85	18
p,p'-DDE	72-55-9 0.031	0.087	cis-1,3-Dichloro- propylene	10061-01-5 0.036	18
o,p'-DDT	789-02-6 0.0039	0.087	trans-1,3-Dichloro- propylene	10061-02-6 0.036	18
p,p'-DDT	50-29-3 0.0039	0.087	Dieldrin	60-57-1 0.017	0.13
Dibenz(a,h)anthracene	53-70-3 0.055	8.2	Diethylene glycol, dicarbamate(6)	5952-26-1 0.056	1.4
			Diethyl phthalate	84-66-2 0.20	28

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<u>P-Dimethylaminoazo- benzene</u>	<u>60-11-7</u>	<u>0.13</u>	<u>NA</u>	Endosulfan II	<u>33213-65-9</u> <u>33213-6-5</u>	0.029	0.13
2,4-Dimethyl phenol	105-67-9	0.036	14	Endosulfan sulfate	<u>1031-07-8</u> <u>1-31-07-0</u>	0.029	0.13
Dimethyl phthalate	131-11-3	0.047	28	Endrin	72-20-8	0.0028	0.13
Dimetilan(6)	<u>644-64-4</u>	<u>0.056</u>	<u>1.4</u>	Endrin aldehyde	7421-93-4	0.025	0.13
Di-n-butyl phthalate	84-74-2	0.057	28	<u>EPYC(6)</u>	<u>759-94-4</u>	<u>0.042</u>	<u>1.4</u>
1,4-Dinitrobenzene	100-25-4	0.32	2.3	Ethyl acetate	141-78-6	0.34	33
4,6-Dinitro-o-cresol	534-52-1	0.28	160	<u>Ethyl-cyanide</u> <u>(propenitrile)</u>	<u>487-42-0</u>	<u>0.24</u>	<u>360</u>
2,4-Dinitrophenol	51-28-5	0.12	160	Ethyl benzene	100-41-4	0.057	10
2,4-Dinitrotoluene	121-14-2	0.32	140	<u>Ethyl cyanide</u> <u>(propanitrile)</u>	<u>107-12-0</u>	<u>0.24</u>	<u>360</u>
2,6-Dinitrotoluene	606-20-2	0.55	28	Ethyl ether	60-29-7	0.12	160
Di-n-octyl phthalate	117-84-0	0.017	28	<u>bis(2-Ethylhexyl)</u> <u>phthalate</u>	<u>117-81-7</u>	<u>0.28</u>	<u>28</u>
<u>P-Dimethylaminoazo- benzene</u>	<u>60-11-7</u>	<u>0.13</u>	<u>NA</u>	Ethyl methacrylate	97-63-2	0.14	160
Di-n-propylnitrosamine	621-64-7	0.40	14	Ethylene oxide	75-21-8	0.12	NA
1,4-Dioxane	123-91-1	<u>12.0NA</u>	170	<u>bis(2-Ethylhexyl)</u> <u>phthalate</u>	<u>117-81-7</u>	<u>0.28</u>	<u>28</u>
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13	Famphur	52-85-7	0.017	15
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13	Fluoranthene	206-44-0	0.068	3.4
1,2-Diphenylhydrazine	122-66-7	0.087	NA	Fluorene	86-73-7	0.059	3.4
Disulfoton	298-04-4	0.017	6.2	<u>Formetanate hydro-</u> <u>chloride(6)</u>	<u>23422-53-9</u>	<u>0.056</u>	<u>1.4</u>
Dithiocarbamates (total)(6)	<u>137-30-4</u>	<u>0.028</u>	<u>28</u>	<u>Formetanate(6)</u>	<u>17702-57-7</u>	<u>0.056</u>	<u>1.4</u>
Endosulfan I	<u>959-98-8</u> <u>959-98-0</u>	0.023	0.066	Heptachlor	76-44-8	0.0012	0.066
				Heptachlor epoxide	1024-57-3	0.016	0.066

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Endosulfan II	<u>33213-65-9</u> <u>33213-6-5</u>	0.029	0.13
Endosulfan sulfate	<u>1031-07-8</u> <u>1-31-07-0</u>	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
<u>EPYC(6)</u>	<u>759-94-4</u>	<u>0.042</u>	<u>1.4</u>
Ethyl acetate	141-78-6	0.34	33
<u>Ethyl-cyanide</u> <u>(propenitrile)</u>	<u>487-42-0</u>	<u>0.24</u>	<u>360</u>
Ethyl benzene	100-41-4	0.057	10
<u>Ethyl cyanide</u> <u>(propanitrile)</u>	<u>107-12-0</u>	<u>0.24</u>	<u>360</u>
Ethyl ether	60-29-7	0.12	160
<u>bis(2-Ethylhexyl)</u> <u>phthalate</u>	<u>117-81-7</u>	<u>0.28</u>	<u>28</u>
Ethyl methacrylate	97-63-2	0.14	160
Ethylene oxide	75-21-8	0.12	NA
<u>bis(2-Ethylhexyl)</u> <u>phthalate</u>	<u>117-81-7</u>	<u>0.28</u>	<u>28</u>
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
<u>Formetanate hydro-</u> <u>chloride(6)</u>	<u>23422-53-9</u>	<u>0.056</u>	<u>1.4</u>
<u>Formetanate(6)</u>	<u>17702-57-7</u>	<u>0.056</u>	<u>1.4</u>
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066

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Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloro- cyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro- dibenzofurans)	NA	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isolan(6)	119-38-0	0.056	1.4
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-0 143-50-0	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	0.75 mg/l TCLP
Methapyrene	91-80-5	0.081	1.5
Methiocarb(6)	2032-65-7	0.056	1.4
Methomyl(6)	16752-77-5	0.028	0.14
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-	101-14-4	0.50	30

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chloroaniline)			
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methanesulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Methocarb(6)	1129-41-5	0.056	1.4
Mexacarb(6)	315-18-4	0.056	1.4
Molinate(6)	2212-67-1	0.042	1.4
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
O-Nitroaniline	88-74-4	0.27	14
P-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
O-Nitrophenol	88-75-5	0.028	13
P-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	2.3
N-Nitroso-di-n-butyl- amine	924-16-3	0.40	14
N-Nitrosomethylethyl- amine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3

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N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
<u>Oxamyl(6)</u>	<u>23135-22-0</u>	<u>0.056</u>	<u>0.28</u>
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
<u>Pebulate(6)</u>	<u>1114-71-2</u>	<u>0.042</u>	<u>1.4</u>
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachloroethane	76-01-7	0.055	6.0
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
<u>o-Phenylenediamine(6)</u>	<u>95-54-5</u>	<u>0.056</u>	<u>5.6</u>
Phorate	298-02-2	0.021	4.6
Phthalic acid	100-21-0	0.055	28
Phthalic anhydride	85-44-9	0.055	28
Physostigmine(6)	<u>57-47-6</u>	<u>0.056</u>	<u>1.4</u>
Physostigmine Salicylate(6)	<u>57-64-7</u>	<u>0.056</u>	<u>1.4</u>
Promecarb(6)	<u>2631-37-0</u>	<u>0.056</u>	<u>1.4</u>

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Pronamide	23950-58-5	0.093	1.5
<u>Propham(6)</u>	<u>122-42-9</u>	<u>0.056</u>	<u>1.4</u>
<u>Propoxur(6)</u>	<u>114-26-1</u>	<u>0.056</u>	<u>1.4</u>
<u>Prosulfocarb(6)</u>	<u>52888-80-9</u>	<u>0.042</u>	<u>1.4</u>
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
<u>2,4,5-trichloro-4,2,4,5-tetrachloro-phenoxycetic-acid</u>	<u>93-76-5</u>	<u>0.72</u>	<u>7.9</u>
1,2,4,5-Tetrachloro-benzene	95-94-3	0.055	14
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
1,1,1,2-Tetrachloro-ethane	630-20-6	0.057	6.0
1,1,1,2,2-Tetrachloro-ethane	<u>79-34-5</u> <u>79-34-6</u>	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachloro-phenol	58-90-2	0.030	7.4
Thiodicarb(6)	59669-26-0	0.019	1.4
Thiophanate-methyl(6)	23564-05-8	0.056	1.4
Tirpate(6)	26419-73-8	0.056	0.28
Toluene	108-88-3	0.080	10

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Toxaphene	8001-35-2	0.0095	2.6
Triallate(6)	2303-17-5	0.042	1.4
Bromoform-Tribromo- methane (Bromoform)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoro- methane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,4,5-Trichlorophenoxy- acetic acid/2,4,5-T	93-76-5	0.72	7.9
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2- trifluoroethane	76-13-1	0.057	30
Triethylamine(6)	101-44-8	0.081	1.5
tris-(2,3-Dibromopropyl) phosphate	126-72-7	0.11	0.10
Verolate(6)	1929-77-7	0.042	1.4
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	2.1 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Barium	7440-39-3	1.2	7.6 mg/l TCLP
Beryllium	7440-41-7	0.82	0.014 mg/l TCLP
Cadmium	7440-43-9	0.69	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(4)	57-12-5	1.2	590
Cyanides (Amenable)(4)	57-12-5	0.86	30
Fluoride	16984-48-8 16964-48-8	35	NA
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Mercury-Nonwastewater from Retort	7439-97-6	NA	0.20 mg/l TCLP
Mercury-All Others	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Selenium	7782-49-2	0.82	0.16 mg/l TCLP
Silver	7440-22-4	0.43	0.30 mg/l TCLP
Sulfide	18496-25-8 8496-25-8	14	NA
Thallium	7440-28-0	1.4	0.078 mg/l TCLP
Vanadium(5)	7440-62-2	4.3	0.23 mg/l TCLP
Zinc(5)	7440-66-6	2.61	5.3 mg/l TCLP
1 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.			
2 Concentration standards for wastewaters are expressed in mg/l are based on analysis of composite samples.			
3 Except for metals (EP or TCLP) and cyanides (total and amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 721.Subpart O or 35 Ill. Adm. Code 725.Subpart O or on combustion in fuel substitution units operating in accordance with applicable technical			

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requirements. A facility may comply with these treatment standards according to provisions in 40 CFR 269.40(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

- 4 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

- 5 These constituents ~~vanadium--and--zinc~~ are not "underlying hazardous constituents" in characteristic wastes, according to the definition at Section 728.102(1).

- 6 This footnote corresponds with note 6 to the table to 40 CFR 269.48(a), which has already expired by its own terms. This statement maintains structural consistency with the federal regulations.

Note: NA means not applicable.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Standards For Universal Waste Management

- 2) Code citation: 35 Ill. Adm. Code 733

- 3) Section numbers: Adopted action:
733.120 Amended
733.140 Amended
733.156 Amended
733.170 Amended

- 4) Statutory authority: 415 ILCS 5/22.4 and 27.

- 5) Effective date of amendments: December 19, 1997

- 6) Does this rulemaking contain an automatic repeal date?: No

- 7) Do these amendments contain incorporations by reference? No. 35 Ill. Adm. Code 720.111 is the central listing of all documents incorporated by reference for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739. The existing text of Part 733 includes references to documents incorporated by reference in 35 Ill. Adm. Code 720.111. The present amendments to Part 733 do not amend those references.

- 8) Date filed in Board's principal office: Order adopted November 6, 1997.

- 9) Notice of proposal published in Illinois Register:
August 8, 1997, 21 Ill. Reg. 10878

- 10) Has JCAR issued a Statement of Objections to these rules? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. Nevertheless, JCAR did review the text in the course of preparing a Notice of Proposed Amendments for publication in the Illinois Register. JCAR made a number of minor revisions to the text of the proposed amendments, as approved by the Board by its opinion and order of July 24, 1997, before they appeared in the August 8, 1997 issue of Proposed Amendments in the Illinois Register. The Board has reviewed the proposed revisions to the text and accepted all of them. The revisions are outlined in the response to question (11) below.

- 11) Differences between proposal and final version: The Board has made a number of minor revisions to the text of the amendments as proposed. Most are in response to comments from JCAR. A small number are based on comments from the Illinois Environmental Protection Agency (Agency). Many comments are based on the Board's review of the text in response to the JCAR

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and Agency suggestions. As explained in the response to question (10) above, JCAR altered the text of the proposed amendments between when the Board approved them for public comment on July 24, 1997 and when they were adopted. The amendments were adopted on November 21, 1997. The amendments appeared in a Notice of Proposed Amendments in the August 8, 1997 issue of the *Illinois Register*. The table below indicates the revisions undertaken, the source(s) of each, and their location in the text. The table indicates the revisions to the text as approved by the Board on July 24, 1997, not necessarily reflecting its appearance in the August 8, 1997 *Illinois Register* as altered by JCAR.

Revisions to the Text Since the Proposal for Public Comment		
Section	Source	Revisions(s)
733.170(a)	JCAR	Removed underlining of added text
733.170(b)	JCAR	Changed "733.Subpart D" to "Subpart D of this Part"
733.170(c)	JCAR	Changed "733.Subpart B or C" to "Subpart B or C of this Part"
733.170(d)	JCAR	Changed "above" to "of this Section"

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the TAPA, it is not subject to first notice or to second notice review by JCAR. As explained in the response to questions (10) and (11) above, JCAR altered the text of the proposed amendments between when the Board approved them for public comment on August 7, 1997 and when they appeared in a Notice of Proposed Amendments in the August 29, 1997 issue of the *Illinois Register*. The Board has reviewed the JCAR revisions to the text, and accepted all of them. The revisions are outlined in the response to question (11) above.

- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
733.101, 733.106	Amend	November 21, 1997, 21 Ill. Reg. 14791
733.107	Add	November 21, 1997, 21 Ill. Reg. 14791
733.113, 733.114, 733.118	Amend	November 21, 1997, 21 Ill. Reg. 14791

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733.132, 733.133, 733.134	Amend	November 21, 1997, 21 Ill. Reg. 14791
733.138, 733.139, 733.151	Amend	November 21, 1997, 21 Ill. Reg. 14791
733.161, 733.162, 733.180	Amended	November 21, 1997, 21 Ill. Reg. 14791

The Board proposed regulations on November 6, 1997 under docket number R98-12, that would designate certain mercury-containing lamps as universal waste. The effect of this action would be to regulate these wastes under Part 733 rather than under the generally-applicable body of hazardous waste regulations at 35 Ill. Adm. Code 721 through 726 and 728. The R98-12 amendments will not affect the substance of the amendments involved in this consolidated update docket, R96-10/R97-3/R97-5.

- 15) Summary and purpose of Amendments: A more detailed description is contained in the Board's opinion and order of November 6, 1997, in consolidated docket R96-10/R97-3/R97-5, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the TAPA, it is not subject to first notice or to second notice review by JCAR.

The R96-10 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1, 1995 through December 31, 1995. The R97-3 proceeding updates the Board's UIC rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1996 through June 30, 1996. R97-5 proceeding updates the Board's RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1996 through June 30, 1996. During these time-frames, USEPA undertook a number of amendments. Certain later actions, outside the normal docket time-frames, are included for various reasons.

Docket R96-10: July 1, 1995, through December 31, 1995, RCRA Subtitle C Amendments:

July 7, 1995 (61 Fed. Reg. 35452)	Corrections to Subpart CC rules. corrected the docket number in the Federal Register preamble discussion of December 6, 1994.	USPPA
July 11, 1995 (61 Fed. Reg. 35703)	Addition of test method for testing biodegradability of absorbent materials. USEPA added a test method for testing the biodegradability of sorbent materials for the	

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Purposes of the landfill disposal ban imposed on containerized liquid hazardous waste absorbed in such materials.

Notice of revised interpretation of carbamate rule. USEPA revised its interpretation of its carbamate rules to determine that wastes from the off-site production of non-carbamate intermediates that are used exclusively in carbamate production are not subject to the carbamate rule.

Partial Stay of Subpart CC rules. USEPA stayed the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments containing organic peroxide manufacturing waste.

Correction of hazardous waste delisting for entity with an Illinois facility. USEPA restored the text of the Enviroite Corp. delisting inadvertently deleted when USEPA intended to amend the delisting only to delete the waste from a single source (in Connecticut) on February 8, 1994.

Stay of used oil mixtures rule. USEPA stayed the provision of the used oil rules that require the use of used oil and hazardous waste. That provision required mixtures of used oil and characteristic hazardous waste (Subpart C waste) or waste that was listed because it exhibited a characteristic (Subpart D waste) under the used oil regulations, rather than under the generally-applicable hazardous waste regulations. Thus, the stay has the effect of making these wastes subject to more stringent regulations.

Delayed effective date for Subpart CC rules. USEPA delayed the effective date of the organic material emission from rules of the hazardous waste treatment, storage, and disposal facility standards as they apply to emissions from tanks, containers, and surface impoundments for an additional six months, until June 6, 1996.

Amendments to permitting procedural requirements. USEPA amended the RCRA Subtitle C permitting procedures to "improve the

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process for permitting facilities that store, treat or dispose of hazardous wastes by providing earlier opportunities for public involvement in the process and expanding public access to information throughout the permitting process and the operational lives of facilities."

The Board did not need to take action based on all of the federal RCRA Subtitle C amendments that occurred during the period of July 1, 1995 through December 31, 1995. The Board dealt with the federal actions of July 7, September 29, and November 13, 1995 in the prior RCRA Subtitle C update docket, R95-20, adopted June 20, 1996. No further action is required of the Board on those matters. Further, the Board will need to take no further action than to note the federal actions of August 14 and October 23 and 30, 1995. The Board is taking action on the federal actions of July 11 and December 11, 1995 in this consolidated docket.

In addition to the direct revisions to the RCRA Subtitle C regulations during the time period of docket R96-10, USEPA amended the federal water pollution control regulations three times during the period July 1, 1995 through December 31, 1995 in a way that could affect the Illinois RCRA Subtitle C rules. These federal actions revised analytical methods of 40 CFR 136 as follows:

Federal Action

August 2, 1995
(61 Fed. Reg. 39586)

Summary

USEPA added a disk extraction method for testing wastewater for chlorinated pesticides.

August 28, 1995
(61 Fed. Reg. 44670)

USEPA added three methods for determination of total Kjeldahl nitrogen (TKN) in wastewater.

October 16, 1995
(61 Fed. Reg. 55529)

USEPA added whole effluent toxicity testing to the approved methods.

The methods codified in 40 CFR 136 are incorporated by reference at Section 720.111 of the Illinois RCRA Subtitle C rules for the purposes of the hazardous waste and underground injection control regulations. The Board updated the incorporations by updating to the 1996 edition of the Code of Federal Regulations.

Docket R97-5: January 1, 1996, through June 30, 1996, RCRA Subtitle C Amendments

Federal Action

February 9, 1996
(61 Fed. Reg. 4903)

Summary

USEPA added organic material emissions standards technical amendments. USEPA made clarifying and corrective amendments to the text of the December 6, 1994 Subpart CC

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organic material emission standards applicable to tanks, containers, and surface impoundments containing hazardous waste.

March 15, 1996
(61 Fed. Reg. 10684)

Relating to federal authorization of Illinois Program. USEPA authorized segments of the Illinois RCRA Subtitle C program. Included are the "non-HSWA Cluster VI," "HSWA Cluster II," and RCRA Clusters I-III" rules--i.e., rules adopted by USEPA between July 1, 1989 and June 30, 1993. The Board adopted these program amendments in dockets R90-2, R90-11, R91-1, R91-13, R91-26, R92-1, and R93-4 between July 3, 1990 and November 22, 1993.

March 26, 1996
(61 Fed. Reg. 13103)

Correction to exclusion for recovered oil injected into refining process. USEPA corrected an error in its July 28, 1994, exclusion of recovered oil from the definition of solid waste.

April 8, 1996
(61 Fed. Reg. 15596)

Phase III land disposal restrictions (LDRs). USEPA adopted treatment standards for carbamate pesticide wastes and primary aluminum production wastes. USEPA further amended the treatment standards for land disposal of wastes exhibiting a characteristic of hazardous waste to require not only the removal of the applicable characteristic(s), but also any underlying hazardous waste constituents.

April 8, 1996
(61 Fed. Reg. 15662)

Phase III LDR partial withdrawal and amendment. USEPA withdrew those segments of the contemporaneous amendments accompanying the Phase III LDRs that derived from the decision in *Chemical Waste Management, Inc. v. EPA*, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 507 U.S. 1057, 113 S. Ct. 1961 (1993). Adoption of the Land Disposal Program Flexibility Act of 1996, Pub. L. 104-119, effective March 26, 1996, effectively overrode that decision. USEPA also amended segments of the September 19, 1994 Phase II LDRs that were also overruled by Pub. L. 104-119.

April 12, 1996
(61 Fed. Reg. 16309)

Hazardous waste import and export regulations. USEPA amended the federal rules to incorporate identification of wastes (green, red, and amber) that are subjected to the graduated system of import and export controls under the Organization for Economic Cooperation and Development (OECD) Council Decision C(92)39.

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April 30, 1996
(61 Fed. Reg. 19117)

Phase III LDR corrections (two separate actions). In each action, USEPA corrected the effective dates set forth in the Federal Register notice for its Phase III LDR rules.

June 5, 1996
(61 Fed. Reg. 28508)

Subpart CC organic material emission standards amendment to effect partial stay. USEPA further postponed implementation of the December 6, 1994 Subpart CC organic material emissions requirements until October 6, 1996.

June 28, 1996
(61 Fed. Reg. 33680)

Phase III LDR corrections. USEPA made technical corrections to the April 8, 1996 Phase III LDRs and partial withdrawal.

June 28, 1996
(61 Fed. Reg. 33691)

Used oil standards notice of judicial vacatur of administrative stay of used oil mixture rule. USEPA amended the September 10, 1992 used oil mixtures rule in response to a January 19, 1996 vacatur in *Safety-Kleen Corp. v. EPA*, No. 92-1629, slip op. (D.C. Cir. Jan. 19, 1996) of its October 30, 1995 administrative stay of the rule.

As with the previous docket time-frame, the Board will not need to act on certain of the January 1, 1996 through June 30, 1996 federal RCRA Subtitle C amendments. The Board dealt with the federal amendments of June 5, 1996, in docket R95-20, on June 20, 1996. Further, the March 15, 1996 action related to federal authorization of the Illinois RCRA Subtitle C program, which the Board notes in this opinion, but which requires no further action. Finally, as discussed below, the June 28, 1996 federal action requires no action because it reversed the federal amendments of October 30, 1995 described above.

Later Federal Actions

A small number of federal amendments to the RCRA Subtitle C regulations directly affect the subject matter involved in this docket by virtue of the amendments included in R96-10 and R97-5. These include the following actions that would normally await action under reserved RCRA Subtitle C update docket, R97-21, for the period July 1, 1996 through December 31, 1996. These include the following federal actions:

July 10, 1996
(61 Fed. Reg. 36419)

Summary
Corrections to the Phase III LDRs. USEPA made a minor correction to one of its April 8, 1996 actions.

August 26, 1996
(61 Fed. Reg. 43923)

Emergency revision of the Phase III LDRs. USEPA adopted an emergency amendment to make technical corrections to the carbamate waste provisions included with the Phase III LDRs.

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November 25, 1996
(62 Fed. Reg. 59931)

Final Amendments to the "Subpart Gc" rules. USEPA adopted final amendments to its December 8, 1994, organic material emissions rules for applicators and surface impoundments. (USEPA had previously amended and stayed the effective date of various aspects of the rules, and these final amendments were intended to amend and clarify the rules before they became effective on December 6, 1996. Many of the amendments relax the prior standards.)

The actions included in the present consolidated docket that would normally await action under the reserved RCRA Subtitle C update docket R98-5, for the period January 1, 1997 through June 30, 1997 are the following:

Federal Action

January 14, 1997
(62 Fed. Reg. 5991)

February 19, 1997
(62 Fed. Reg. 7501)

May 12, 1997
(62 Fed. Reg. 25997)

June 17, 1997
(62 Fed. Reg. 32973)

Summary

Emergency extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for six months, until July 8, 1997.

Corrections to the Phase III LDRs. USEPA made a number of corrections to the hazardous waste treatment standards and universal treatment standards tables as they appeared in the April 8 through August 26, 1996 actions amending these tables.

Adoption of the Phase IV LDRs. USEPA adopted Phase IV LDRs, among other amendments. (On July 1, 1997, the Board received a petition from the Peoria Disposal Company, Inc., on the narrow aspect of these amendments that significantly reduced the paperwork burden of the requirements for waste certifications.)

Amendment of carbamate waste listings in response to a judicial remand. USEPA deleted a number of carbamate waste listings in response to the remand in Dithiocarbamate Task Force v. EPA, 98 F.3d 1394 (D.C. Cir. 1996).

Finally, the Board has included a single action from the update period July 1, 1997 through December 31, 1997 for which there is no docket presently reserved. That action is the following:

Federal ActionSummary

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July 14, 1997
(62 Fed. Reg. 37693)

Extension of the national capacity variance for K088 wastes. USEPA extended the national capacity variance for K088 wastes for three months, until October 8, 1997.

Docket R97-3. January 1, 1996, through June 30, 1996, UIC Amendments

Federal Action

April 8, 1996
(61 Fed. Reg. 15596)

April 30, 1996

(61 Fed. Reg. 19117)

June 28, 1996

(61 Fed. Reg. 33680)

Summary

Phase III land disposal restrictions (LDRs).

Phase III LDR corrections.

Phase III LDR corrections.

Phase III LDR corrections.

Phase III LDR corrections.

Phase III LDR corrections.

Specifically, the amendments to Part 733 implement certain aspects of the OECD regulations applicable to international shipments of hazardous waste for recycling that are applicable to universal waste management facilities. The Board further used this opportunity to make a number of non-substantive corrective and editorial amendments to the existing text of Part 733.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of November 6, 1997 from Victoria Agyeaman, at the above address, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 733

STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A: GENERAL

Section	Scope
733.101	Applicability--Batteries
733.102	Applicability--Pesticides
733.103	Applicability--Mercury Thermostats
733.104	Applicability--Household and Conditionally Exempt Small Quantity Generator Waste
733.105	Definitions
733.106	

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section	Scope
733.110	Applicability
733.111	Prohibitions
733.112	Notification
733.113	Waste Management
733.114	Labeling and Marking
733.115	Accumulation Time Limits
733.116	Employee Training
733.117	Response to Releases
733.118	Off-Site Shipments
733.119	Tracking Universal Waste Shipments
733.120	Exports

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section	Scope
733.130	Applicability
733.131	Prohibitions
733.132	Notification
733.133	Waste Management
733.134	Labeling and Marking
733.135	Accumulation Time Limits
733.136	Employee Training
733.137	Response to Releases
733.138	Off-Site Shipments
733.139	Tracking Universal Waste Shipments
733.140	Exports

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section	Scope
733.150	Applicability
733.151	Prohibitions
733.152	Waste Management
733.153	Accumulation Time Limits
733.154	Response to Releases
733.155	Off-Site Shipments
733.156	Exports

SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section	Scope
733.160	Applicability
733.161	Off-Site Shipments
733.162	Tracking Universal Waste Shipments

SUBPART F: IMPORT REQUIREMENTS

Section	Scope
733.170	Imports

SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section	Scope
733.180	General
733.181	Factors for Petitions to Include Other Wastes

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 644, effective DEC 11, 1997.

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section 733.120 Exports

A small quantity handler of universal waste that sends universal waste to a foreign destination other than to those OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1) (in which case the handler is subject to the requirements of 35 Ill. Adm. Code 722.Subpart H) shall:

- Comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153; 722.156(a)(1) through (a)(4), (a)(6) and (b); and 722.157;
- Export such universal waste only upon consent of the receiving country

POLLUTION CONTROL BOARD

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and in conformance with the USEPA Acknowledgement of Consent, as defined in 35 Ill. Adm. Code 722.2 Subpart E; and

c) Provide a copy of the USEPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.

(Source: Amended at 22 Ill. Reg. 044, effective DEC 1, 1987)

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section 733.140 Exports

A large quantity handler of universal waste that sends universal waste to a foreign destination other than to those OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1) (in which case the handler is subject to the requirements of 35 Ill. Adm. Code 722.2 Subpart H) shall:

- a) Comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153; 722.156(a)(1) through (a)(4), (a)(6) and (b); and 722.157;
- b) Export such universal waste only upon consent of the receiving country and in conformance with the USEPA Acknowledgement of Consent as defined in 35 Ill. Adm. Code 722.2 Subpart E; and
- c) Provide a copy of the USEPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.

(Source: Amended at 22 Ill. Reg. 044, effective DEC 1, 1987)

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section 733.156 Exports

A universal waste transporter transporting a shipment of universal waste to a foreign destination other than to those OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1) (in which case the transporter is subject to the requirements of 35 Ill. Adm. Code 722.2 Subpart H) may not accept a shipment if the transporter knows the shipment does not conform to the USEPA Acknowledgement of Consent. In addition, the transporter shall ensure the following:

- a) A copy of the USEPA Acknowledgement of Consent accompanies the shipment; and
- b) The shipment is delivered to the facility designated by the person initiating the shipment.

(Source: Amended at 22 Ill. Reg. 044, effective DEC 1, 1987)

SUBPART F: IMPORT REQUIREMENTS

POLLUTION CONTROL BOARD

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Section 733.170 Imports

Persons managing universal waste that is imported from a foreign country into the United States are subject to the applicable requirements of this Part immediately after the waste enters the United States, as indicated in subsections (a) through (c) below follows:

- a) A universal waste transporter is subject to the universal waste transporter requirements of 733.2 Subpart D of this Part.
- b) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of 733.2 Subpart B or C of this Part, as applicable.
- c) An owner or operator of a destination facility is subject to the destination facility requirements of 733.2 Subpart E of this Part.
- d) Persons managing universal waste that is imported from an OECD country as specified in 35 Ill. Adm. Code 722.158(a)(1) are subject to subsections (a) through (c) of this Section, in addition to the requirements of 35 Ill. Adm. Code 722.2 Subpart H.

(Source: Amended at 22 Ill. Reg. DEC 1, 1987, effective _____)

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of Part: Practice and Procedure for Hearings Before the Property Tax Appeal Board
- 2) Code Citation: 86 Ill. Adm. Code 1910
- 3) Section Numbers:
 - 1910.67 Amended
 - 1910.69 Amended
 - 1910.71 Added
 - 1910.90 Amended
- 4) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195
- 5) Effective Date of Amendments: December 19, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: December 19, 1997
- 9) Date Notice of Proposed Rules was Published in the Illinois Register: September 26, 1997, at 21 Ill. Reg. 13028
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: There were minor changes made between the proposal and the final version of Sections 1910.69 and 1910.71. The most notable change made was in Section 1910.71. The Board added a new subsection (b) wherein the Board provided for the inclusion in the appeal record of any ex parte communication received by any Board member or Board employee. The Board also amended two other rules, at the request of the Joint Committee on Administrative Rules, which were not originally included in the first filing period for Section 1910.69 and 1910.71.

These rule changes involved Sections 1910.67 - Hearings, and 1910.90 - Practice Rules. Section 1910.67 was amended to outline or detail the qualifications that a Hearing Officer must possess in order to preside over a Property Tax Appeal Board hearing. Section 1910.90 was amended to clarify the Board's policy regarding the disqualification of a Hearing Officer from a hearing based on bias or conflict of interest.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace Emergency Amendments currently in effect? No

PROPERTY TAX APPEAL BOARD

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Section 1910.67 Hearings: This Section is amended to outline or detail the qualifications that a Hearing Officer must possess in order to preside over a Property Tax Appeal Board hearing.

Section 1910.69 Sanctions: This Section is amended to add a provision giving the Board the authority to dismiss appeals in cases where the contesting party has not pursued disposition of an appeal in a reasonable time period. The new language states the Board will consider factors including, but not limited to, the history of the appeal, the length of time that has elapsed since the last action taken in the appeal, past attempts to schedule the appeal for hearing, and the contesting party's compliance with any Board or hearing officer requests or orders.
- 16) Section 1910.71 Ex parte Communications: This Section is added to clarify the existing language on ex parte communications.

Section 1910.90 Practice Rules: This Section is amended to clarify the Board's policy regarding the disqualification of Hearing Officers from hearings based on bias or conflict of interest. This Section allows interested parties the right to file a motion to remove a Hearing Officer when the party believes a bias or conflict of interest may exist. The motion must be in writing, must state the specific facts establishing the bias or conflict and shall be presented to the Chairman of the Board or the Executive Director. This Section also provides that a Hearing Officer at any time may voluntarily disqualify himself or herself.

- 16) Information and questions regarding this amended part shall be directed to:

James W. Chipman - Executive Director
Property Tax Appeal Board
Rm. 402, Stratton Office Building
401 S. Spring St.
Springfield, Illinois 62706
(217) 782-6076

The full text of the Proposed Amendments begins on the next page:

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 86: REVENUE
 CHAPTER 11: PROPERTY TAX APPEAL BOARD
 PART 1910
 PRACTICE AND PROCEDURE FOR HEARINGS
 BEFORE THE PROPERTY TAX APPEAL BOARD

Section	
1910.5	Construction and Definitions
1910.10	Statement of Policy
1910.20	Correspondence
1910.25	Computing Time Limits
1910.30	Petitions Application
1910.40	Board on Review: Response to Petition Application
1910.50	Determination of Appraised Assessment
1910.60	Interested Parties - Intervention
1910.63	Burdens of Proof
1910.65	Documentary Evidence
1910.66	Rebuttal Evidence
1910.67	Hearings
1910.68	Subpoenas
1910.69	Sanctions
1910.70	Representation at Hearings
1910.71	Ex Parte Communications
1910.75	Access to Board Records - Freedom of Information Procedures
1910.76	Publication of Annual Synopsis
1910.80	Forms
1910.90	Practice Rules
1910.95	Separability
AUTHORITY: Implementing and authorized by the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].	
SOURCE: Adopted at 4 Ill. Reg. 23, P. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16054, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 1, 1997; amended at 21 Ill. Reg. 11949, effective August 13, 1997; amended at 21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. _____, effective _____.	

Section 1910.67 Hearings

- a) By statute, the Property Tax Appeal Board may render a decision based upon the evidence, exhibits and briefs submitted to it by all interested parties without holding a hearing.
- b) The Property Tax Appeal Board shall review all appeals filed in compliance with these rules to determine whether a hearing shall be held on any factual or legal issue. Whenever the Board determines that

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- a. hearing is not required, the appeal shall be decided based upon the evidence in the record. The Board shall hold a hearing at the request of any party in writing. In the event a hearing is deemed necessary, the Board shall give notice to all parties to the appeal of the time, date, and place of the hearing at least 20 days prior to the hearing, unless the 20 day period is specifically waived by all the parties to the appeal.
- c) A party may request a decision of the Property Tax Appeal Board based upon the evidence in the record by filing a written request with the Board. Any such request shall not be binding on the Board.
- d) Notice of a hearing to all interested taxing bodies by the Property Tax Appeal Board shall be deemed to have been given when served upon the State's Attorney of the county from which the appeal has been taken, unless such interested taxing bodies have specifically been made parties to the appeal proceeding.
- e) In all cases where a change in assessed valuation of \$300,000 or more is sought, the Property Tax Appeal Board shall order a prehearing conference on the motion of any party to the appeal. In all appeals the Board may set a prehearing conference to promote the narrowing of issues, stipulations, and judicial economy. The Board's determination will be based on the complexity of the appeal, the issues in controversy, and the potential for settlement. This hearing will be designed to ascertain the positions of the parties and to reach agreements on stipulations of fact, admission of documents and other matters that the parties have agreed upon and deletion of the appeal where the issues have been set for hearing by the Board and more factual or legal issues exist which can be resolved at a prehearing conference. The Board shall issue a prehearing order resolving matters agreed to and rulings as to disputed matters. The order shall be served at the same time upon all parties and shall control the subsequent course of the proceeding.
- f) Hearings may be held before less than a majority of the Members of the Board, and the Chairman may assign Members or Hearing Officers to hold hearings. Any hearing may be conducted by the Property Tax Appeal Board at its offices in Springfield or Des Plaines or at any other location in Illinois selected by the Board. The Board may cause its Hearing Officer to conduct such hearing and report his findings for affirmation or rejection by the Board.
- g) Hearings shall be open to the public and shall be conducted in accordance with such rules of practice and procedure as the Board may make and promulgate.
- h) Every Hearing Officer presiding over a Property Tax Appeal Board hearing must meet the following requirements:
- 1) possess a working knowledge of the English language, including composition and grammar;
 - 2) possess a working knowledge of standard office practices and procedures;
 - 3) possess an ability to effectively communicate technical

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- 4) information both orally and in writing; possess an ability to deal tactfully with the general public, attorneys, and service providers;
- 5) possess an ability to prepare concise and factual reports on hearing findings for presentation to the Board;
- 6) possess an ability to conduct hearings and obtain and analyze necessary information;
- 7) possess a valid Illinois driver's license;
- 8) be of high integrity and good personal repute;
- 9) be familiar with this statute and the Property Tax Code;
- 10) be disinterested and impartial; and
- 11) have no financial or personal interest in the result of the hearing.

(h) Authority of the Board and designated Hearing Officers.

- 1) In connection with any proceeding, the Board, or any of its designated Hearing Officers, shall have full authority over the conduct of a hearing and the responsibility for submission of the matter to the Board for decision. The Board or its designated Hearing Officer shall have those duties and powers necessary to these ends, including:

- A) To conduct hearings and pre-hearing conferences;
- B) To admit or exclude testimony or other evidence into the record pursuant to this Part;
- C) To administer oaths and affirmations and examine all persons appearing at the hearing to testify or to offer evidence;
- D) To require the production of any book, record, paper or document at any stage of the appeal or of the hearing which is the foundation for any evidence or testimony presented in the appeal;
- E) To require the submission of briefs on issues of law raised during the hearing within 60 days after the termination of the hearing;
- F) To call upon any person at any stage of the hearing to produce witnesses or information that is material and relevant to any issue; and
- G) To ensure that the hearing is conducted in a full, fair and impartial manner, that order is maintained, and that unnecessary delay is avoided in the disposition of the hearing.
- 2) Any Hearing Officer assigned to conduct a hearing on behalf of the Board shall be empowered to exercise the full authority of the Board with respect to the conduct and control of the proceeding.

- (i) Continuances shall be granted for good cause shown in writing, and then only on an order of a Member of the Property Tax Appeal Board, or a duly authorized Hearing Officer. Good cause shall be the inability to attend the hearing at the date and time set by the Board for a cause beyond the control of the party, such as the unavoidable absence

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of a party, his attorney or material witness, or the serious illness or death of a witness or party. The Board shall set the hearing of a continued case at the time it sets other hearings of appeals from the county in which the subject of the continued appeal lies, unless the parties request that the Board decide the appeal based upon the evidence in the record and without a formal hearing. Any continuing case shall be heard by the Board.

- k) At the hearing, the contesting party shall first introduce his case into evidence followed by evidence of other parties to the appeal. The order directed by the Property Tax Appeal Board and Hearing Officer. All parties are entitled to a rebuttal of all evidence of all parties has been introduced. Evidence submitted to the Board in documentary form may be made a part of the record without the document being read into the record if the Board or Hearing Officer so orders.

- l) In no case shall any written or documentary evidence be accepted into the appeal record at the hearing unless:

- 1) Such evidence has been submitted to the Property Tax Appeal Board prior to the hearing pursuant to this Part;

- 2) The filing requirement is specifically waived by the Board; or
- 3) The submission of the written or documentary evidence is specifically ordered by the Board or by a Hearing Officer.

- m) Appraisal testimony offered to prove the valuation asserted by any party shall not be accepted at the hearing unless a documented appraisal has been timely submitted by that party pursuant to this Part. Appraisal testimony offered to prove the valuation asserted may only be given by a preparer of the documented appraisal whose signature appears thereon.

- n) All testimony taken at the hearing shall be under oath or affirmation. The Board shall eliminate such rules of evidence, practice and procedure to the extent it considers practicable.

- o) In all cases where the contesting party is seeking a change of \$100,000 or more in assessed valuation, the contesting party must provide a court reporter at his own expense. The original certified transcript of such hearing shall be forwarded to the Property Tax Appeal Board and shall become part of the Board's official record of the proceedings on appeal. The court reporter's certified transcript should be forwarded as soon as possible but no later than within 60 days after the hearing.

- p) If a stipulation is agreed to by all interested parties, it may be taken into consideration by the Property Tax Appeal Board but must be supported by evidence in the record. The Board reserves the right to write a decision based on the facts, evidence and exhibits in the record.

(Source: Amended at 22 Ill. Reg. 6.010, effective 1-1-84)

Section 1910.69 Sanctions

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- a) Failure of any party to comply fully with all rules and/or specific requests of the Property Tax Appeal Board as provided in Sections 1910.30, 1910.40, 1910.60, 1910.65 and 1910.67 of this Part shall result in the default of that party. Property Tax Appeal Board, all
- b) When a hearing is ordered for the hearing of the appeal, the date and the hour set by the Property Tax Appeal Board. Failure to appear on the date and at the hour set by the Property Tax Appeal Board shall be sufficient cause to default that party.
- c) When a party, his attorney, or his witness engages in threatening, disruptive, vulgar, abusive or obscene conduct or language which delays or protracts a proceeding, the Board, by any Member, or Hearing Officer, shall exclude the offending person from the proceeding. Any party engaging in such conduct or language shall be defaulted.
- d) Failure of the contesting party to furnish a court reporter as required in Section 1910.67(c) of this Part shall be sufficient cause to dismiss the appeal. Failure of the contesting party to furnish a court reporter's transcript within 60 days after the date of the hearing shall result in the dismissal of the appeal. ~~At A-party's--his representative--or his witness--shall--not--communicate--directly--or indirectly--with the Board--any Member--or employee--in connection with any issue--in a pending appeal--except upon notice--and opportunity for all parties to participate.~~
- e) Failure of the contesting party to pursue disposition of an appeal in a reasonable time will render the appeal subject to dismissal. In making this determination, the Board shall consider factors including, but not limited to, the history of the appeal, the length of time that has elapsed since the last action taken in the appeal, past attempts to schedule the appeal for hearing, and the contesting party's compliance with any Board or hearing officer requests or orders. ~~et~~

~~Failure of the contesting party to furnish a court reporter as required in Section 1910.67(c) of this Part shall be sufficient cause to dismiss the appeal. Failure of the contesting party to furnish a court reporter's transcript within 60 days after the date of the hearing shall result in the dismissal of the appeal.~~

(Source: Amended at 22 Ill. Reg. DEC 1 1987, effective

Section 1910.71 Ex Parte Communications

- a) Except in the disposition of matters that agencies are authorized by law to entertain or dispose of on an ex parte basis, the Board Members and Board employees shall not, with respect to any contested appeal pending, communicate directly or indirectly, in connection with any issue of fact, with any person, party or the representative of any party, except upon notice and an opportunity for all parties to participate.

PROPERTY TAX APPEAL BOARD

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- b) An ex parte communication received by any Board member or Board employee shall be made a part of the record of the pending appeal, including all written communications, all written responses to the communications, and a memorandum stating the substance of all oral communications, and all responses made and the identity of each person for whom the ex parte communication was received.
- c) Communications regarding matters of practice and procedure, such as the status of appeals, filing requirements, form letters, scheduling of hearings, administrative review, and the like, are not considered ex parte communications under this Section.

(Source: Added at 22 Ill. Reg. DEC 1 1987, effective

Section 1910.90 Practice Rules

- a) The provisions of this Section are promulgated pursuant to Section 16-180 of the Code and shall apply to all hearings conducted by the Property Tax Appeal Board. Nothing contained in this Section shall in any way negate, limit, modify or otherwise affect any of the powers, duties or authority of the Board under the Act.
- b) Appeals filed with the Property Tax Appeal Board shall be set for hearing pursuant to Section 1910.67 of this Part. All hearings once commenced shall continue on successive work days until completed unless any Member or designated Hearing Officer orders a continuance of the hearing pursuant to subsection (d) of this Section. All hearings shall be open to the public.
- c) The sequence shall be as follows:

- 1) Preliminary matters or objections, or attempts to narrow issues or limit evidence shall be first presented.
- 2) Opening statements - the contesting party shall proceed first, followed by the Board of Review and Intervenor, if any; opening statements may be waived or may be reserved and presented prior to the commencement of a party's case in chief;
- 3) Case in chief - the contesting party shall be heard first, followed by those of the Board of Review and Intervenor, if any; as witnesses complete their testimony, they are subject to cross-examination by the Hearing Officer and the other parties to the appeal; witnesses may be questioned under redirect examination where necessary;
- 4) Rebuttal - the evidence and witnesses presented to rebut the evidence offered in opposition to the contesting party's position shall be heard after the completion of the cases in chief of all parties, followed by the rebuttal evidence and witnesses of the Board of Review and Intervenor, if any;
- 5) Closing statements - the closing argument of the contesting party

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shall be heard first, followed by the closing arguments of the Board of Review and intervenors, if any; the contesting party shall be permitted a brief rebuttal at the end of the closing arguments of the other parties.

d) Continuances of appeals set for hearing shall be granted pursuant to Section 1910-67(1) ¶4 of this Part; a hearing which has commenced may be continued by order of the Hearing Officer to permit further testimony or argument only if the time allotted for the hearing has expired.

e) All witnesses appearing before the Property Tax Appeal Board shall testify under oath or affirmation.

f) Any party may object to the admissibility of evidence or testimony, and such objections must clearly state the specific ground or rule of law which is the basis for the objection. The admissibility of evidence prior to the hearing of the appeal, objection must be made in writing. A copy of the appeal, objection shall be transmitted to all other parties to the appeal and the Property Tax Appeal Board shall solicit responses thereto from all other parties. The Board shall issue its ruling on such objection in writing prior to the hearing of the appeal.

2) When an objection is made to the admissibility of evidence or testimony during the hearing, the Hearing Officer may either sustain or overrule the objection if it is based on the provisions of this Part, or may reserve the ruling and permit the testimony and/or evidence into the record subject to the ruling of the Property Tax Appeal Board on the objection in its decision for the appeal.

3) Any party offering evidence which is ruled inadmissible shall be permitted to make a brief offer of proof in writing upon motion made at the hearing.

g) The Property Tax Appeal Board or its designated Hearing Officer may exclude inadmissible evidence upon its own motion.

h) Writings, documents and all copies thereof submitted to the Property Tax Appeal Board shall be legible, and exhibits shall be plainly marked and identified. All exhibits and documentation discussed during the hearing shall be marked for identification by the Hearing Officer.

i) The Property Tax Appeal Board may take official notice of decisions it has rendered, matters within its specialized knowledge and expertise, and all matters of which the Circuit Courts of this State may take judicial notice.

j) Any party or his witness may be called by any other party as an adverse witness and examined as if under cross-examination in the same manner and under the same circumstances as provided in Section 7-1102 of the Code of Civil Procedure [735 ILCS 5/2-1102]. Upon a showing that a witness was called in good faith and that the party calling him is surprised by his testimony, examination of the witness may proceed as if under cross-examination, and the testimony of the witness may be

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impeached by prior statements or otherwise.

k) The Hearing Officer presiding over or scheduled to preside over a Property Tax Appeal Board hearing may be disqualified from the hearing as follows:

1) Any interested party may move for the disqualification of a Hearing Officer based on bias or a conflict of interest. The motion must be in writing and must state specific facts establishing that bias or a conflict of interest exists. Adverse rulings in pending or prior appeals shall not be sufficient to establish bias or a conflict of interest.

2) A motion for disqualification shall be made promptly after the moving party learns the identity of the Hearing Officer or after learning facts that establish grounds for disqualification. The motion shall be presented to the Chairman of the Board or the Executive Director. If bias or a conflict of interest is found to exist, another Hearing Officer shall be appointed as soon as possible.

3) The Hearing Officer may at any time voluntarily disqualify himself or herself.

l*) It is the policy of the Property Tax Appeal Board that the parties to an appeal should to the fullest extent possible stipulate all matters which are or fairly should not be in dispute. Prior to the hearing, during the hearing conference or during the hearing of any appeal, the parties may file a stipulation setting forth all pertinent facts that are not in dispute. Exhibits to which there are no objections, and any other matters that are in dispute.

m) Decisions of the Property Tax Appeal Board shall dispose of all matters upon the merits and shall set forth the Board's findings of fact and conclusions of law, and shall be served by mail to the persons and parties affected thereby as provided in Section 16-185 of the Property Tax Code. Decisions of the Board shall be based on the evidence contained in the administrative record.

(Source: Amended at 22 Ill. Reg. (7 - - - - , effective DEC 1 1999)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) Section Numbers: Adopted Action:
1540.140 Amendment
1540.250
1540.255 New Section
- 4) Statutory Authority: 40 ICS 5/14-104.7, 5/14-118, 5/14-119, 5/14-120, 5/14-121, 5/14-133.1 and 5/14-135.03
- 5) Effective Date of Rules: December 22, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do the Rules contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 19, 1997
- 9) Notice of Proposal Published in Illinois Register: September 26, 1997
21 Ill Reg 13158
- 10) Has JCAR issued a Statement of Objections to the Amendments? No
- 11) Differences between proposal and final version: 1540.255(e)(1) the words "or the purchase of the service credits" have been added after the word "deductions".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will the Rules replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on the Part? No

15) Summary and Purpose of Rules: P.A. 90-0448 which was signed by Governor Edgar on August 16, 1997 changes the State Employees' Retirement System's rules and survivors benefit to allow payment to a child under the age of 22 who is a full-time student. Prior to P.A. 90-0448 the widows and survivor benefit was limited to age 18, regardless of the child's student status. Section 1540.118 of the Illinois Administrative Code, "Surviving Spouse" has been amended to allow for the payment of this benefit. P.A. 90-0448 also amended the State Withholding Act and the Retirement Act to provide for a method so that contributions made to purchase optional service credit or repayment of prior refunds can be made on a pre-tax basis through payroll deductions. Section 1540.250 "Payments

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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to Establish Credit for Service for Which Contributions are Permitted" has been amended and Section 1540.255 "Pick-up Option for Optional Service Contributions" has been added so that procedures can be established to allow for these payments from state payrolls on a pre-tax basis.

- 16) Information and questions regarding this adopted rule shall be directed to:

Michael L. Morry, Executive Secretary
State Employees' Retirement System of Illinois
P.O. Box 19255 - 2101 South Veterans Parkway
Springfield, Illinois 62794-9255
Telephone: 1-217-785-7444

The full text of the Adopted Amendments begins on the next page.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER 1: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

PART 1540

THE ADMINISTRATION AND OPERATION OF THE

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

Section

- 1540.5 Introduction
- 1540.10 Appointment of Retirement System Coordinator
- 1540.20 Member's Contribution and Service Credit
- 1540.30 Determination of Rate of Compensation
- 1540.40 Prior Service Credit
- 1540.50 Credit for Service for Which Contributions are Permitted
- 1540.60 Severance of Employment - A Condition to the Payment of a Refund or Retirement Annuity
- 1540.70 Death Benefits
- 1540.80 Disability Claims
- 1540.90 Benefit Offset
- 1540.100 Birth Date Verification
- 1540.110 Marriage Verification
- 1540.120 Level Income Option
- 1540.130 Pension Credit for Unused Sick Leave
- 1540.140 Removal of Children from Care of Surviving Spouse
- 1540.150 Proof of Dependancy
- 1540.160 Investigations of Benefit Recipients
- 1540.170 Interest on Member Contributions
- 1540.180 Date of Application - Retirement, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
- 1540.190 Lump Sum Salary Payments
- 1540.200 Removal From the Payroll
- 1540.210 Latest Date of Membership
- 1540.220 Period for Payment and Amount of Payment of Contributions
- 1540.230 Contributions by the State (Repealed)
- 1540.240 Actuarially Funded Basis (Repealed)
- 1540.250 Payments to Establish Credit for Service for Which Contributions are Permitted
- 1540.255 Pick-up Option for Optional Service Contributions
- 1540.260 Contributions and Service Credit During Nonwork Periods
- 1540.270 Written Appeals and Hearings
- 1540.280 Availability for Public Inspection (Recodified)
- 1540.290 Procedures for Suspension, Consideration and Disposition of Petitions Seeking the Repeal, Amendment or Repeal of these Rules and Regulations (Recodified)
- 1540.300 Organization of the State Employees' Retirement System (Recodified)
- 1540.310 Amendments

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

1540.320 Optional Forms of Benefits - Basis of Computation

1540.330 Board Elections

1540.340 Excess Benefit Arrangement

TABLE A Optional Forms of Benefits - Basis of Computation

AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5/Art. 14].

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. 8033, effective June 15, 1996; emergency amendment at 21 Ill. Reg. 476, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4992, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 13187, effective September 15, 1997, for a maximum of 150 days; amendment at 22 Ill. Reg. ~~6 6 7 7~~, effective ~~11 11 11~~ 11 11 11.

Section 1540.140 Removal of Children from Care of Surviving Spouse

a) Children Under Age 18

If a spouse is receiving a widow's or survivors' annuity prior to the age 50 because minor children of the member are under the care of the spouse and the children are legally removed by order of a court from the spouse's care, then the widow's annuity or survivors' annuity payable to the spouse shall be suspended until the spouse attains age 50; however, the children eligible to receive a survivors' annuity, if under the care of the legal guardian, may continue to receive their portion of the survivors' benefit, based on their individual eligibility. Widow's or survivors' annuity payments accepted by the spouse after the children have legally been removed by order of a court from the spouse's care will be considered benefit

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overpayments due to the System.

- b) Children Over Age 18 and Under Age 22 and a Full-Time Student
- 1) If under the care of the surviving spouse at attainment of age 18, children over age 18 and under age 22 and a full-time student will be presumed under the care of a surviving spouse during their period of eligibility, based upon a self-certification signed by the surviving spouse. However, the surviving spouse will not be considered as the natural guardian of the child.
- 2) Application for benefits by or on behalf of a child over age 18 and under age 22 and a full-time student must be accompanied by a self-certification and a statement from the natural guardian of the child of the student and representative of the school to be valid. A new certification must be obtained and submitted to the System semi-annually after initial approval of the benefit.

(Source: Amended at 22 Ill. Reg. § 2.1374, effective 1/1/74)

Section 1540-250 Payments to Establish Credit for Service for Which Contributions are Permitted

- a) If a member has received one or more contribution refunds from the System, past service credits previously refunded **credit** may be reinstated only after the two-year minimum service requirement has been satisfied and the member repays the amount of refund(s) previously received together with interest due before refund(s) either in a lump sum or installment payments by direct payment or payroll deduction. No payment may be applied to any period of service prior to a refund until that refund is paid in full. Service credit will be granted only when a stipulated refund, qualifying, short period or other type of permissive service credit as set forth in the Act is paid in full; except, in the event of death of the member partial service credit may be granted. Such partial service credit will be based on contributions and interest paid as of date of death.
- b) Under the installment option, interest will be calculated on the total amount of contributions for the stipulated period of service through the date of death. A member elects to complete payment of installment option will be approved for payment less than \$20.00 per payment or payroll deductions of less than \$10.00 per installment period. Except as to picked-up contributions as described in Section 1540-255, if payment is made in full prior to the final due date stipulated in the option, interest will be recalculated and a refund of interest paid to the member, provided such payment is received at least 2 months prior to the due date and is in excess of \$5.00.
- c) If a member pays the contributions and interest due in full under the installment option, an interest rebate will be paid to reflect interest earned during the installment period. The rebate will be calculated based on regular interest as defined in the Retirement Act.

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The amount of rebate will be determined as of each June 30 preceding the date of payment in full, based on the total of the payments accumulated in the account at the beginning of each fiscal year. At the time the account is paid in full, the total interest accumulated in the rebate account will be paid to the member. The interest rebate will not be paid if the accumulation is less than \$5.00.

- d) Except in the case of contributions made through the pick-up option described in Section 1540-255, if a member elects to receive a retirement annuity, completes a revocation card or for some other reason elects not to complete his installment payment option, all monies paid by the member on such option will be refunded and no service credit granted.

(Source: Amended at 22 Ill. Reg. § 2.1375, effective 1/1/74)

Section 1540-255 Pick-up Option for Optional Service Contributions

- a) "Member" as used in this Section means any person who is entitled to reinstate past service credits previously refunded or purchase permissive service credits under the Act creating the State Employees' Retirement System of Illinois.
- b) A member choosing to make contributions for the reinstatement (purchase) of past service credits previously refunded or the purchase of permissive service credits shall have the option to have those contributions treated as either after-tax or before-tax (picked up) contributions. In order for contributions for the reinstatement of past service credits or purchase of permissive service credits to be considered as picked up (before-tax) contributions under Section 414(h)(2) of the Internal Revenue Code (Code) the member must make an irrevocable election to have the contributions made by payroll deduction through the Comptroller's office by providing a copy of the election to the member's payroll officer. Any contributions for the purchase of past service credits or permissive service credits which are made directly by the member or when the payroll deduction election is not irrevocable will be considered as after-tax contributions (not picked up).
- c) The member wishing to make contributions for the purchase of past service credits previously refunded or permissive service credits shall have the following contribution options:
- 1) The contributions may be made directly by the member in installments or by a lump sum payment and the contributions may be terminated by the member at any time;
 - 2) If the member is receiving compensation for personal services rendered, on a warrant issued pursuant to a payroll voucher and which is drawn by the State Comptroller upon the State Treasurer, the contributions may be made by voluntary payroll deduction and the payroll deduction may be terminated by the member at any time.

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time; or

- 3) If the member is receiving compensation for personal services rendered, on a warrant issued pursuant to a payroll voucher drawn by the State Comptroller upon the State Treasurer, the contribution may be made by an irrevocable payroll deduction by which the member chooses to have the contributions picked up by the employer under the Code.

Only the contribution method described in subsection (c)(3) will qualify the contributions as contributions picked up by the employer for Code purposes. Those members electing to make such contributions pursuant to subsection (c)(3) shall complete and sign an irrevocable payroll authorization form provided by the State Employees' Retirement System (System). That form must be provided to both the System and the member's payroll deduction.

- a) The irrevocable payroll deduction form must indicate:

- 1) the total amount to be deducted;
- 2) the amount per pay period to be deducted; and
- 3) the total number of pay periods (one or more) over which the designated amount is to be deducted.

All payroll deduction payments must be completed no later than the final payroll payment made to the member in conjunction with the member's retirement or termination from employment. The payroll deduction form when executed must be on such terms as would result in the payment, by the member's anticipated retirement date, of the necessary amounts to purchase the permissive service credit or the service credits previously refunded. During the period of the irrevocable payroll deduction no voluntary payments will be accepted by the System from the member towards the purchase of past service credits or for the purchase of permissive service credits for which an irrevocable payroll deduction is in place. The amount to be withheld per pay period need not be the same amount for each pay period. The irrevocable payroll deduction election of the member shall remain in effect until the earlier of:

- e) 1) the payroll deductions or the purchase of the service credits as indicated in the form are completed;
- 2) the death of the member;
- 3) the member is disabled from performing his/her services as an employee;
- 4) employment is terminated either voluntarily or involuntarily; or
- 5) the payroll deduction is 120 days delinquent, either in whole or in part.

If an irrevocable payroll deduction becomes 120 days delinquent, either in whole or in part, the election of the member to have the contributions picked up will be cancelled and all contributions made by the member under the irrevocable payroll deduction shall be refunded to the member less the appropriate tax withholding. In the case of the death of a member, the irrevocable payroll deduction will terminate and the member's account will be granted partial service

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credit based upon contributions made to the date of death as described in Section 1540.250. In the case of retirement, termination of employment or disability of the employee, the member will have the choice of making an after-tax lump-sum payment in the amount of the balance due to complete the purchase of the service credits originally intended or, in the alternative, the amounts contributed to date under the irrevocable payroll authorization will be refunded, less appropriate tax withholding. Any such after-tax lump-sum payment must be made no later than 30 days after the member has been notified by the System of the amount of the lump-sum payment and the payment shall be deemed as having been made prior to the retirement of the member.

- f) If an irrevocable payroll deduction becomes delinquent then the member may make up that delinquency by filing an amended or second irrevocable payroll deduction for the sole and only purpose of bringing the payments current within 120 days after the original delinquency. Failure to bring a delinquent payment current within 120 days after the original delinquency will result in termination of the member's irrevocable election as provided for in subsection (e) of this Section. The right to make up a delinquency cannot be used for the purpose of amending or modifying the terms of the original irrevocable payroll deduction election.

- g) A member who is changing job positions but will still be employed by the State of Illinois may substitute an irrevocable payroll deduction in the new position for the irrevocable payroll deduction effective in the former position so long as the terms of the new payroll deduction are not changed except to make up any delinquency resulting from a break in service between positions. In such a case the irrevocable payroll deduction election will not terminate as provided for in subsection (e)(4) of this Section unless the provisions of subsection (e)(5) of this Section would require termination of the election.

(Source: Added at 22 Ill. Reg. _____, effective _____)

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Fees For Processing Requests For Conviction Information
- 2) Code Citation: 20 Ill. Adm. Code 1570
- 3) Section Numbers: Emergency Action
1570.30 Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930] and the Illinois Uniform Conviction Information Act [20 ILCS 2635].
- 5) Effective Date of Amendments: December 17, 1997
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they expire: Not applicable
- 7) Date Filed in Agency's Principal Office: December 15, 1997

8) Reason for Emergency: Beginning in October, the Authority mailed out surveys and solicited input regarding the fee. After surveys were returned to the Authority, the next scheduled meeting of the Illinois Criminal Justice Information Authority was December 5, 1997. Since these rules affect the fee to be charged during the calendar year beginning January 1, 1998, and allow local criminal justice agencies to recoup their costs for assisting persons with requests under the Illinois Uniform Conviction Information Act these rules are being adopted on an emergency basis.

For the foregoing reasons, the Authority finds that there exists a situation that constitutes a threat to the public interest and welfare within the meaning of Section 3-45 of the Illinois Administrative Procedure Act [5 ILCS 100/3-45].

- 9) A Complete Description of the Subjects and Issues Involved: Increases the fee that criminal justice agencies other than the Illinois State Police may charge for assisting in the processing of requests for conviction information made pursuant to the Illinois Uniform Conviction Information Act.

- 10) Are there any proposed amendments to this part pending: No

- 11) Statement of Statewide Policy Objectives: These rules do not require local criminal justice agencies to assist in the processing of requests for conviction information and are therefore not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

- 12) Information and questions regarding these amendments shall be directed to:

Robert P. Boehmer, General Counsel
Illinois Criminal Justice Information Authority
120 S. Riverside Plaza
Chicago, IL 60606-3997
312/793-8550

The full text of the emergency amendments begins on the next page:

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF EMERGENCY AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER III: ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

PART 1570

FEES FOR PROCESSING REQUESTS
FOR CONVICTION INFORMATION

Section	Purpose and Authorization
1570.10	Definitions
1570.20	Form and Manner for Assisting in the Processing of Conviction Information
1570.40	Cost Criteria for the Fee to be Charged
1570.50	Fee Determination
1570.60	Notification of Fee Amount

AUTHORITY: Implementing and authorized by the Illinois Uniform Conviction Information Act [20 ILCS 2635].

SOURCE: adopted at 18 Ill. Reg. 4679, effective March 14, 1994; emergency amendment at 22 Ill. Reg. 6004, effective December 17, 1997, for a maximum of 150 days.

Section 1570.50 Fee Determination

EMERGENCY

a) Pursuant to Section 1570.40, the Authority shall establish the maximum fee for each calendar year by December 10 of the preceding year. In establishing this fee amount, the Authority shall consult with representatives of criminal justice agencies, and representatives of municipal, civic, and business groups to:

- 1) establish a reasonable estimate of the actual costs to participating criminal justice agencies throughout the State to comply with these rules, and
 - 2) determine if there would be an unreasonable negative impact or undue burden placed on requesters of conviction information.
- b) Pursuant to the Act, nothing herein shall be deemed to prevent a criminal justice agency from waiving or reducing the fee established pursuant to Section 1570.40.

c) For the calendar year 1998-1999 and each year thereafter, the maximum fee established by the Authority that a criminal justice agency other than the Department of State Police may charge and assess under these rules shall be sixteen dollars (\$16) ~~ten dollars (\$10)~~.

(Source: Emergency amendment at 22 Ill. Reg. 6004, effective December 17, 1997, for a maximum of 150 days)

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

- 1) **Heading of the Part:** Riverboat Gambling
- 2) **Code Citation:** 86 Ill. Adm. Code 3000
- 3) **Section Numbers:** 3000.1071
Proposed Action: Amendment
- 4) **Statutory Authority:** Riverboat Gambling Act [230 ILCS 10]
- 5) **Effective Date of Amendment:** December 29, 1997
- 6) **If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it expires:** Not applicable
- 7) **Date Filed in Agency's Principal Office:** December 29, 1997
- 8) **Reason for Emergency:** On December 2, 1997, the General Assembly passed House Bill 452, which became Public Act 90-548 upon approval by the Governor two days later, on December 4, 1997. Among its numerous provisions, P.A. 90-548 amended Section 13 of the Riverboat Gambling Act [230 ILCS 10/13] to establish, effective January 1, 1998, graduated wagering tax rates. This emergency amendment is necessary in order to establish procedures and provide clarification and guidance regarding the implementation of the new tax provisions.
- 9) **A complete Description of the Subjects and Issues Involved:** The emergency amendment specifies the new graduated wagering tax rates are based on the calendar year's accumulated adjusted gross receipts. The amendment provides that adjustments on the daily tax schedule for gaming days beginning prior to January 1, 1998, are taxed at 20% of adjusted gross receipts, while adjustments applicable to gaming days beginning on or after January 1, 1998, are subject to the tax rate in effect on the day the adjustment is made. Other provisions previously contained on the daily tax schedules are incorporated into rule. The amendment requires payments to the local governments for their share of wagering taxes to be made monthly as required by P.A. 90-548, while the local government share of admission taxes continue to be paid quarterly as required by Section 12 of the Riverboat Gambling Act [230 ILCS 10/12]. The grounds for waiver of penalty and interest for late tax schedule filing and late tax payments, and the procedure for the appeal of a denial of such waiver, is also established in the rule.
- 10) **Are there any other proposed amendments pending on this part?** Yes

Section Numbers	Proposed Action	Illinois Register Citation
3000.100	Amendment	21 Ill. Reg. 13444; 10/10/97
3000.150	Amendment	21 Ill. Reg. 13444; 10/10/97

ILLINOIS GAMING BOARD

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3000.220	Amendment	21 Ill. Reg. 13444; 10/10/97
3000.221	New	21 Ill. Reg. 13444; 10/10/97
3000.405	Amendment	21 Ill. Reg. 13444; 10/10/97
3000.410	Amendment	21 Ill. Reg. 13444; 10/10/97
3000.600	Amendment	21 Ill. Reg. 13444; 10/10/97
3000.660	Amendment	21 Ill. Reg. 13444; 10/10/97
3000.1070	Amendment	21 Ill. Reg. 13444; 10/10/97
3000.1123	Amendment	21 Ill. Reg. 13444; 10/10/97
3000.1126	Amendment	21 Ill. Reg. 13444; 10/10/97

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding this rulemaking shall be directed to:

Mareille B. Cusack
Chief Counsel
Illinois Gaming Board
160 N. La Salle, Suite 300S
Chicago, IL 60601
(312)814-4700; FAX (312)814-8798

The full text of the emergency amendment begins on the next page:

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	Definitions
3000.100	Invalidity
3000.101	Public Inquiries
3000.102	Organization of the Illinois Gaming Board
3000.103	Rulemaking Procedures
3000.104	Disciplinary Actions
3000.110	Records Retention
3000.115	Place to Submit Materials
3000.120	No Opinion or Approval of the Board
3000.130	Duty to Disclose Changes in Information
3000.140	Applicant/Licensee Disclosure of Agents
3000.141	Owner's and Supplier's Duty to Investigate Job Applicants
3000.150	Investigatory Proceedings
3000.155	Duty to Report Misconduct
3000.160	Communication with Other Agencies
3000.161	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.165	Fair Market Value of Contracts
3000.170	Weapons on Riverboat
3000.180	

SUBPART B: LICENSES

Section	Classification of Licenses
3000.200	Fees and Bonds
3000.210	Applications
3000.220	Owner's Licenses
3000.230	Distributions
3000.231	Acquisition of Ownership Interest By Institutional Investors
3000.234	Transferability
3000.235	Owner's License Renewal
3000.236	Supplier's Licenses
3000.240	Occupational Licenses
3000.245	Transferability of Licenses
3000.250	Waiver of Requirements
3000.260	Certification and Registration of Electronic Gaming Devices
3000.270	Analysis of Questioned Electronic Gaming Devices
3000.271	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)

ILLINOIS GAMING BOARD

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3000.282 Seizure of Gaming Devices (Repealed)
 3000.283 Analysis of Questioned Electronic Gaming Devices (Repealed)
 3000.284 Disposal of Gaming Devices

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section
 3000.300 General Requirements - Internal Control System
 3000.310 Approval of Internal Control System
 3000.320 Minimum Standards for Internal Control Systems
 3000.330 Review of Procedures (Repealed)
 3000.340 Operating Procedures (Repealed)
 3000.350 Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE OR PLACEMENT ON EXCLUSION LIST

Section
 3000.400 Coverage of Subpart
 3000.405 Requests for Hearings
 3000.410 Applicable Rules
 3000.415 Discovery
 3000.420 Motions for Summary Judgment
 3000.424 Subpoena of Witnesses
 3000.425 Proceedings
 3000.426 Evidence
 3000.430 Prohibition on Ex Parte Communication
 3000.431 Sanctions and Penalties
 3000.435 Transmittal of Record and Recommendation to the Board
 3000.440 Status of Applicant for License or Transfer Upon Filing Request for Hearing
 3000.445

SUBPART E: EXCURSIONS

Section
 3000.500 Time of Excursion
 3000.510 Excursions During Cancelled or Disrupted Cruises; Violations and Fines

SUBPART F: CONDUCT OF GAMING

Section
 3000.600 Wagering Only with Approved Chips, Tokens and Electronic Cards
 3000.602 Disposition of Unauthorized Winnings
 3000.605 Authorized Games
 3000.606 Gaming Positions
 3000.610 Publication of Rules and Payout Ratio for Live Gaming Devices
 3000.614 Tournaments, Enhanced Payouts and Give-aways

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3000.615 Payout Percentage for Electronic Gaming Devices
 3000.616 Cashing-in
 3000.620 Submission of Chips for Review and Approval
 3000.625 Chip Specifications
 3000.630 Primary, Secondary and Reserve Sets of Gaming Chips
 3000.635 Issuance and Use of Tokens for Gaming
 3000.636 Distribution of Coupons for Complimentary Chips and Tokens
 3000.640 Exchange of Chips and Tokens
 3000.645 Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
 3000.650 Inventory of Chips and Tokens
 3000.655 Minimum Standards for Electronic Gaming Devices
 3000.660 Testing of Electronic Gaming Devices
 3000.665 Bill Validator Requirements
 3000.670 Computer Monitoring Requirements of Electronic Gaming Devices

SUBPART G: EXCLUSION OF PERSONS

Section
 3000.700 Duty to Exclude
 3000.710 Distribution and Availability of Exclusion Lists
 3000.720 Criteria for Exclusion or Ejection and Placement on an Exclusion List
 3000.725 Duty of Licensees
 3000.730 Procedure for Entry of Names
 3000.740 Petition for Removal from Exclusion List

SUBPART H: SURVEILLANCE AND SECURITY

Section
 3000.800 Required Surveillance Equipment
 3000.810 Riverboat and Board Surveillance Room Requirements
 3000.820 Segregated Telephone Communication
 3000.830 Surveillance Logs
 3000.840 Storage and Retrieval
 3000.850 Dock Site Board Facility
 3000.860 Maintenance and Testing

SUBPART I: LIQUOR LICENSES

Section
 3000.900 Liquor Control Commission
 3000.910 Liquor Licenses
 3000.920 Disciplinary Action
 3000.930 Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

ILLINOIS GAMING BOARD
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Section
3000.1000 Ownership Records
3000.1010 Accounting Records
3000.1020 Standard Financial and Statistical Records
3000.1030 Annual and Special Audits and Other Reporting Requirements
3000.1040 Accounting Controls Within the Cashier's Cage
3000.1050 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
3000.1060 Handling of Cash at Gaming Tables
3000.1070 Tips or Gratuities
3000.1071 Deposits of Admission Tax and Wagering Tax
3000.1072 Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section
3000.1100 Coverage of Subpart
3000.1105 Duty to Maintain Suitability
3000.1110 Board Action Against Licensee or Licensee
3000.1115 Complaint
3000.1120 Appearances
3000.1125 Answer
3000.1130 Appointment of Hearing Officer
3000.1135 Discovery
3000.1139 Motions for Summary Disposition
3000.1140 Subpoena of Witnesses
3000.1145 Proceedings
3000.1146 Evidence
3000.1147 Prohibition of Ex Parte Communication
3000.1150 Sanctions and Penalties
3000.1155 Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act (230 ILCS 101).

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 1510, effective July 9, 1993; amended at 20 Ill. Reg. 1414, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; amended at 21 Ill. Reg. 8031, effective June 3, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 4616, effective October 31, 1996; amended at 21 Ill. Reg. 4612, effective April 1, 1997; amended at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 4612, effective December 29, 1997, for a maximum of 150 days.

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SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES
Section 3000.1071 Deposits of Admission Tax and Wagering Tax
EMERGENCY

- a) Each holder of an Owner's license ("licensee") is subject to tax liability assessment for each Gaming Day for the Admission Tax and the Wagering Tax imposed under the Act.
- b) Admission and Wagering taxes shall be paid via an electronic funds transfer system employing an Automated Clearinghouse Debit method (ACH-Debit). Each licensee shall maintain an account with sufficient funds to pay, in a timely fashion, all tax liabilities due under the Act. The account shall be maintained at a financial institution capable of making payments to the State under the electronic funds transfer requirements imposed by the State.
- c) Admission and Wagering tax liability shall be established on the basis of the calendar Gaming Day. Each licensee shall select, with the approval of the Administrator, a 24 hour cycle to be defined as the uniform Gaming Day for that licensee. A Gaming Day may begin on one calendar day and end the next calendar day, provided that the Gaming Day does not extend beyond the uniform 24 hour period selected in advance by the licensee. The Administrator shall prescribe and make available to each licensee forms, instructions and reporting requirements for Admission and Wagering Taxes. The required forms include the Daily Tax Schedules. The Daily Tax Schedules may be provided by the Administrator to licensees in computer-based format and include a computer program that, upon input by the licensee of requisite data, provides for the calculation of tax reporting information and tax liability. Daily Tax Schedules shall be completed for each Gaming Day. The monthly float adjustment shall be completed on the Daily Tax Schedule for the final Gaming Day of each month.
- d) The Daily Tax Schedules must be filed with the Board no later than 12:00 noon on the Due Date. Admission and Wagering tax payments shall be transferred electronically to the Board's designated financial institution by 3:00 p.m. on the Due Date. For purposes of tax schedules and tax payments, the Due Date shall be defined as one bank business day after the close of the Gaming Day for which the liability is established. For example, if the Gaming Day for which the liability is established, for example, if the end of a Gaming Day that begins at 2:00 a.m. on a Tuesday (i.e., the end of a Gaming Day that begins on Monday), the Due Date is the Wednesday which follows, unless that Wednesday is not a bank business day, in which case the subsequent bank business day is the Due Date.
- e) The Admission Tax for a Gaming Day shall be calculated and imposed as provided in Section 10 of the Act.
- f) For any Gaming Day that commences on or before December 31, 1997, the Wagering Tax for a Gaming Day shall be calculated at 20% of Adjusted Gross Receipts. For any Gaming Day that commences after December 31, 1997, the Wagering Tax imposed on the licensee shall be

ILLINOIS GAMING BOARD

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based on each calendar year's accumulated Adjusted Gross Receipts and calculated at the following graduated rates:

- 1) 1% of the calendar year Adjusted Gross Receipts up to and including \$25,000,000;
- 2) 2% of the calendar year Adjusted Gross Receipts in excess of \$25,000,000 but not exceeding \$50,000,000;
- 3) 3% of the calendar year Adjusted Gross Receipts in excess of \$50,000,000 but not exceeding \$75,000,000;
- 4) 4% of the calendar year Adjusted Gross Receipts in excess of \$75,000,000 but not exceeding \$100,000,000; and
- 5) 5% of the calendar year Adjusted Gross Receipts in excess of \$100,000,000.

b) Daily Tax Schedules shall include all information necessary for adjustments and reconciliation of tax liability and shall be subject to audit by the Board and its audit agents. Adjustments to previously reported tax information shall be made by the licensee, except that no adjustment of \$25,000 or more shall be made to previously reported Adjusted Gross Receipts without the prior written approval of the Administrator or the Administrator's designee.

- 1) Any adjustment for a Gaming Day which commenced on or before December 31, 1997, shall be authorized by the Administrator or the Administrator's designee, and shall be taxed at a rate of 20% of Adjusted Gross Receipts. Any adjustment for a Gaming Day that commences after December 31, 1997, shall be taxed at the graduated tax rate applicable to the Gaming Day upon which the adjustment is effected.

- 1) In the event that a Daily Tax Schedule for a specific Gaming Day properly reflects a net wagering loss experienced by the licensee, an adjustment for the amount of any remaining net wagering loss (negative Adjusted Gross Receipts) shall be carried forward on the subsequent Daily Tax Schedules until such loss is offset by Gaming win (positive Adjusted Gross Receipts).

- k) All Admission Taxes and Wagering Taxes paid pursuant to the requirements of the Act shall be deposited by the Board into the State Gaming Fund. The Board shall from time to time transfer excess funds in the State Gaming Fund to the Education Assistance Fund. The Board shall determine the amount of excess funds subject to transfer based upon the difference between the State Gaming Fund balance and the outstanding obligations, including any outstanding share of Admission and Wagering taxes due to local governments. The Administrator will be responsible for calculating the allocation of the Admission and Wagering taxes between the State and the unit of local government designated as the home dock of the Riverboat. Payments for Admission Taxes shall be made by the Board to units of local government quarterly, and payments for Wagering Taxes shall be made monthly, by voucher/warrant, subject to appropriation.

- 1) A licensee's failure to comply with the provisions of this Section may subject the licensee to penalty and interest amounts pursuant to the

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Uniform Penalty and Interest Act [35 ILCS 735]. The Administrator is authorized to waive any penalty and interest for the late filing of a tax schedule or late tax payment, if the licensee can show good cause. Good cause shall include, but not be limited to, detection and correction of a deficiency in filing or payment that resulted from a documented inadvertent or unintentional error that was corrected within one business day of the applicable due date. The licensee shall be notified by the Administrator in writing of any penalty or interest payable because of a late tax schedule filing or late tax payment the business day within 10 business days after receiving Administrative filing written request for a waiver with the Administrator. The Administrator shall on the request for a waiver and notify the licensee in writing of the decision within 15 calendar days after receiving the request. If the Administrator fails to act within the 15 day period the waiver is deemed granted. If the Administrator denies the request for waiver the licensee may ask the Board for a hearing. The request for hearing must be in writing and filed not later than 15 calendar days after receipt of the notice of denial. Except as provided in this subsection (1), the provisions of hearings under Subpart D shall apply to any hearing conducted under this Section. A hearing under this Section is not a disciplinary hearing under Subpart K of this Part.

- e) Each holder of an Owner's license shall maintain an account at a designated financial institution capable of handling electronic fund transfers. The holder of an Owner's license shall also maintain on deposit a minimum account balance sufficient to cover all tax liabilities due under the Act.

- b) Both the Admission and the Wagering Taxes shall be paid via an Electronic Funds Transfer (EFT) system employing an Automated Clearinghouse Debit method (ACH-Debit).

- c) Wagering and Admission tax payments shall be transferred to the Board's designated depository by 3:00 p.m. on the due date.

- d) Each holder of an Owner's license shall, with the agreement of the Administrator, select a 24-hour cycle that shall be defined as the Gaming day for the purpose of establishing the tax schedule and tax liability due dates. The due date for wagering and admission tax schedules and tax payments is defined as one bank business day after the close of the Gaming day upon which the liability was established. For example, if the final cruise for Monday's business ends after midnight (Wednesday a.m.), the tax schedule and tax payment would be due on Wednesday.

- e) Gaming reporting requirements include daily number of admissions to Gaming excursions, Admission Taxes, daily Gross Receipts, Adjusted Gross Receipts and Wagering Tax and such other information as the Administrator may require on the tax schedule. The tax schedule forms and detailed instructions will be provided by the Administrator. The tax schedules must be filed with the Illinois Gaming Board no later than 12:00 noon on the due date.

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- 6) The Administrator will be responsible for calculating the allocation of the Admission and Wagering Tax between the State and the unit of local government designated as the home dock of the riverboat. Payments will be made quarterly by voucher/warrant subject to appropriation.
- 7) The excess of funds in the State Gaming Fund will be determined by the Board based upon the difference between the State Gaming Fund—balance and outstanding obligations plus commitments at the end of each fiscal year. Commitments shall include any outstanding share of admissions and wagering taxes due to the local governments. Funds generated by this Act shall be transferred into the Education Assistance Fund.
- 8) An owner-licensee's failure to comply with the provisions of this Section may subject the owner-licensee to penalty and interest pursuant to the Uniform Penalty and Interest Act (95-1808-735) and the rules adopted thereunder.

(Source: Emergency amendment at 22 Ill. Reg. 678, effective December 29, 1997, for a maximum of 150 days.)

DEPARTMENT OF NATURAL RESOURCES

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- 1) Heading of the Part: The Illinois Oil and Gas Act
- 2) Code Citation: 62 Ill. Adm. Code 240
- 3) Section Numbers: Proposed Action:
 240.1600 Amend
 240.1610 Amend
 240.1620 Amend
 240.1625 Amend
 240.1630 Amend
 240.1635 Amend
 240.1640 Amend
- 4) Statutory Authority: Implemented and authorized by Section 6 of the Illinois Oil and Gas Act (25 ILCS 725/6).
- 5) Effective Date of Amendment: December 22, 1997
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they expire: This emergency amendment will remain in effect for the 150 day period.
- 7) Date Filed in Agency's Principal Office: December 22, 1997
- 8) Reason for Emergency: Public Act 90-260, effective July 30, 1997, created the Landowner Grant Program and procedures for well site equipment disposition under the Plugging and Restoration Program. No rules currently exist for implementation of the Landowner Grant Program or for the disposal of well site equipment under the Plugging and Restoration program. These emergency rules establish respective administrative guidelines and procedures necessary for operating the programs. Acceptance of applications for landowner grants is scheduled to begin January 1, 1998 and equipment disposition under the Plugging and Restoration Program will commence immediately.
- 9) A Complete Description of the Subjects and Issues Involved: This rulemaking provides definitional clarifications, eligibility requirements; application criteria; submission, review and acceptance process; and allocation parameters for operating the Landowner Grant Program as well as procedures for disposing of well site equipment under the Plugging and Restoration Program.
- 10) Are there any proposed amendments to this Part Pending? No
- 11) Statement of Statewide Policy Objectives: These rules do not create or expand a State mandate.
- 12) Information and questions regarding these amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF EMERGENCY AMENDMENT

Alfred L. Clayborne, Legal Counsel
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/782-1809

The full text of the emergency amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENT

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
PART 240
THE ILLINOIS OIL AND GAS
ACT

SUBPART A: GENERAL PROVISIONS

Section	Definitions
240.10	Prevention of Waste (Repealed)
240.20	Jurisdiction (Repealed)
240.30	Enforcement of Act (Repealed)
240.40	Delegation of Authority (Repealed)
240.50	Right of Inspection (Repealed)
240.60	Right of Access (Repealed)
240.70	Sworn Statements (Repealed)
240.80	Additional Reports (Repealed)
240.90	When Rules Become Effective (Repealed)
240.100	Notice of Rules (Repealed)
240.110	Forms (Repealed)
240.120	Hearings--Notices (Repealed)
240.130	Initiation Hearings
240.131	Integration Hearings
240.132	Hearings to Establish Pool-Wide Drilling Units
240.133	Violations Not Requiring Formal Action
240.140	Notice of Violation
240.150	Director's Decision
240.160	Cessation Order
240.170	Enforcement Hearings
240.180	Temporary Relief
240.190	Subpoenas
240.195	

SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

Section	Applicability
240.200	Application for Permit to Drill, Deepen or Convert to a Production Well
240.210	Contents of Application
240.220	Authority of Person Signing Application
240.230	Additional Requirements for Directional Drilling
240.240	Additional Requirements for Horizontal Drilling
240.250	Issuance of Permit to Drill
240.260	Revocation of Permit to Drill
240.251	Conversion of a Production Well to a Water Well
240.255	Change of Well Location
240.260	

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240.270 Application for Approval of Enhanced Recovery Injection and Disposal Operations (Repealed)

240.280 Duration of Underground Injection Well Orders (Repealed)

SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section 240.300 Applicability

240.305 Transfer of Management (Recodified)

240.310 Application for Permit to Drill, Deepen, Convert or Amend to a Class II UIC Well

240.320 Contents of Application

240.330 Authority of Person Signing Application

240.340 Proposed Well Construction and Operating Parameters

240.350 Groundwater and Potable Water Supply Information

240.360 Area of Review

240.370 Public Notice

240.380 Issuance of Permit

240.385 Conversion of a Class II Well to a Water Well

240.390 Permit Amendments

240.395 Update of Class II UIC Well Permits Issued Prior to July 1, 1987

SUBPART D: SPACING OF WELLS

Section 240.400 Definitions

240.410 Drilling Units

240.420 Well Location Exceptions within Drilling Unit

240.430 Drilling Unit Exceptions

240.440 More Than One Well on a Drilling Unit

240.450 Directional Drilling

240.455 Horizontal Drilling

240.460 Modified Drilling Unit

240.465 Special Drilling Unit

240.470 Establishment of Pool-wide Drilling Units Based Upon Reservoir Characteristics

SUBPART E: WELL DRILLING, COMPLETION AND WORKOVER REQUIREMENTS

Section 240.500 Definitions

240.510 Department Permit Posted

240.520 Drilling Fluid Handling and Storage

240.525 Saltwater or Base Fluid Completion Fluid Handling and Storage

240.530 Completion or Field Completion Fluid Waste Handling and Storage

240.540 Drilling and Completion Pit Restoration

240.550 Disposal of General Oil field Wastes and Other Wastes

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SUBPART F: WELL CONSTRUCTION, OPERATING AND REPORTING REQUIREMENTS FOR PRODUCTION WELLS OPERATING REQUIREMENTS

Section 240.600 Applicability

240.605 Drilled Out Plugged Hole (DOPH) Notification

240.610 Construction Requirements for Production Wells

240.620 Remedial Cementing of Leaking Wells

240.630 Operating Requirements

240.640 Reporting Requirements

240.650 Confidentiality of Well Data

240.655 Mechanical Integrity Testing for Class II Injection Wells (Repealed)

240.660 Monitoring and Reporting Requirements for Enhanced Recovery Injection and Disposal Wells (Repealed)

240.670 Avoidable Waste of Gas (Repealed)

240.680 Escape of Unburned Gas Prohibited (Repealed)

SUBPART G: WELL CONSTRUCTION, OPERATING AND REPORTING REQUIREMENTS FOR CLASS II UIC WELLS

Section 240.700 Applicability and Definitions

240.710 Surface and Production Casing Requirements for Newly Drilled Class II UIC Wells Drilled After the Effective Date of this Section

240.720 Surface and Production Casing Requirements for Conversion to Class II UIC Wells

240.730 Surface and Production Casing Requirements for Existing Class II UIC Wells

240.740 Other Construction Requirements for Class II UIC Wells

240.750 Operating Requirements for Class II UIC Wells

240.760 Establishment of Internal Mechanical Integrity for Class II UIC Wells

240.770 Establishment of External Mechanical Integrity for Class II UIC Wells

240.780 Reporting Requirements for Class II UIC Wells

240.790 Confidentiality of Well Data

240.795 Commercial Saltwater Disposal Well

SUBPART H: LEASE OPERATING REQUIREMENTS

Section 240.800 Definitions

240.805 Lease and Well Identification

240.810 Tanks and Containment Dikes

240.820 Flowlines

240.830 Power Lines

240.840 Equipment Storage

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240.850	Concrete Storage Structures
240.860	Pits
240.861	Existing Pit Exemption For Continued Production Use
240.862	Existing Pit Exemption For Alternative Use
240.870	Leaking Unpermitted Drill Hole
240.880	Spill Notification
240.890	Crude Oil Spill Clean-Up Requirements
240.891	Crude Oil Spill Waste Disposal and Remediation
240.895	Produced Water Spill Clean-Up Requirements
SUBPART I: LIQUID OIL FIELD WASTE HANDLING AND DISPOSAL	
Section	
240.900	Definitions
240.905	Application for Permit to Operate a Liquid Oil field Waste Transportation System
240.906	Application for a Liquid Oil field Waste Transportation Vehicle Permit
240.910	Inspection of Vehicles (Tanks)
240.920	Issuance of Liquid Oil field Waste Transportation System and Vehicle Permits
240.925	Liquid Oil field Waste Recordkeeping Requirements
240.926	Liquid Oil field Waste Transportation System and Vehicle Operating Requirements
240.930	Produced Water
240.940	Crude Oil Bottom Sediments
240.950	Crude Oil Spill Waste Disposal (Repealed)
240.960	Oil Field Brine Hauling Permit Conditions (Repealed)
240.970	Inspection of Vehicles (Repealed)
240.980	Transfer of Permits (Repealed)
240.985	Revocation of Oil Field Brine Hauling Permit (Repealed)
240.990	Records and Reporting Requirements (Repealed)
240.995	Bonds--Blanket Surety Bond (Repealed)

SUBPART J: VACUUM

Section	
240.1000	Definitions
240.1005	Application
240.1010	Authority of Application
240.1020	Authority of Person Signing Application
240.1030	Notice and Hearing
240.1050	Issuance of Permit
240.1060	Permit Amendments

SUBPART K: PLUGGING OF WELLS

Section	
240.1105	Plugging of Non-Productive Wells (Repealed)
240.1110	Definitions
240.1120	Plugging of Uncased Wells
240.1130	Plugging or Temporary Abandonment of Inactive Wells and Certain Class II UIC Wells
240.1131	Extension of Future Use Status
240.1140	General Plugging Procedures and Requirements
240.1150	Specific Plugging Procedures
240.1151	Procedures for Plugging Coal Seams
240.1160	Plugging Fluid Handling and Storage
240.1170	Plugging Fluid Waste Disposal and Well Site Restoration
240.1180	Lease Restoration
240.1181	Lease Restoration Requirements
240.1190	Filling Plugging Report

SUBPART L: REQUIREMENTS FOR OTHER TYPES OF WELLS

Section	
240.1200	Applicability
240.1205	Contents of Application for Permit to Drill a Test Well or Drill Hole
240.1210	Observation, Gas Storage Well or Service Well (Repealed)
240.1220	Contents of Application for Coal Test Hole, Mineral Test Hole, Structure Test Hole, or Coal or Mineral Groundwater Monitoring Well
240.1230	Authority of Person Signing Application
240.1240	Issuance of Permit
240.1250	When Wells Shall Be Plugged and Department Notification
240.1260	Plugging and Restoration Requirements
240.1270	Confidentiality
240.1280	Converting to Water Well

SUBPART M: PROTECTION OF WORKABLE COAL BEDS

Section	
240.1300	Introduction
240.1305	Permit Requirements in Mine Areas
240.1310	Workable Coal Beds Defined
240.1320	Mining Board may Determine Presence of Coal Seams
240.1330	Well Locations Prohibited
240.1340	Notice to Mining Board
240.1350	Casualty and Penalties for Work
240.1360	Operational Restrictions Over Active Mine
240.1370	Inspection of Vehicles (Repealed)
240.1380	Transfer of Permits (Repealed)
240.1385	Revocation of Oil Field Brine Hauling Permit (Repealed)
240.1390	Records and Reporting Requirements (Repealed)
240.1395	Bonds--Blanket Surety Bond (Repealed)

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Section	
240.1105	Plugging of Non-Productive Wells (Repealed)
240.1110	Definitions
240.1120	Plugging of Uncased Wells
240.1130	Plugging or Temporary Abandonment of Inactive Wells and Certain Class II UIC Wells
240.1131	Extension of Future Use Status
240.1140	General Plugging Procedures and Requirements
240.1150	Specific Plugging Procedures
240.1151	Procedures for Plugging Coal Seams
240.1160	Plugging Fluid Handling and Storage
240.1170	Plugging Fluid Waste Disposal and Well Site Restoration
240.1180	Lease Restoration
240.1181	Lease Restoration Requirements
240.1190	Filling Plugging Report

SUBPART L: REQUIREMENTS FOR OTHER TYPES OF WELLS

Section	
240.1200	Applicability
240.1205	Contents of Application for Permit to Drill a Test Well or Drill Hole
240.1210	Observation, Gas Storage Well or Service Well (Repealed)
240.1220	Contents of Application for Coal Test Hole, Mineral Test Hole, Structure Test Hole, or Coal or Mineral Groundwater Monitoring Well
240.1230	Authority of Person Signing Application
240.1240	Issuance of Permit
240.1250	When Wells Shall Be Plugged and Department Notification
240.1260	Plugging and Restoration Requirements
240.1270	Confidentiality
240.1280	Converting to Water Well

SUBPART M: PROTECTION OF WORKABLE COAL BEDS

Section	
240.1300	Introduction
240.1305	Permit Requirements in Mine Areas
240.1310	Workable Coal Beds Defined
240.1320	Mining Board may Determine Presence of Coal Seams
240.1330	Well Locations Prohibited
240.1340	Notice to Mining Board
240.1350	Casualty and Penalties for Work
240.1360	Operational Restrictions Over Active Mine
240.1370	Inspection of Vehicles (Repealed)
240.1380	Transfer of Permits (Repealed)
240.1385	Revocation of Oil Field Brine Hauling Permit (Repealed)
240.1390	Records and Reporting Requirements (Repealed)
240.1395	Bonds--Blanket Surety Bond (Repealed)

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SUBPART N: TRANSFER OF PERMIT

Section	240.1400	Definitions
	240.1400	Definitions of Management (Repealed)
	240.1405	Transfer of Management
	240.1410	Applicability
	240.1410	When Notification to be Made
	240.1420	Responsibilities of Current Permittee
	240.1430	Responsibilities of New Permittee
	240.1440	Authority of Persons Signing Notification
	240.1450	Other Conditions for and Effect of Transfer
	240.1460	Revocation of Permit to Transfer
	240.1470	Administrative Record Correction
	240.1480	Transfer Hearings
	240.1490	

SUBPART O: BONDS

Section	When Required, Amount and When Released
240.1500	Definitions
240.1510	Bond Requirements
240.1520	Forfeiture of Bonds
240.1530	

SUBPART P: WELL PLUGGING AND RESTORATION PROGRAM

Section	Definitions	Emergency Well Plugging, and Emergency Repair	Remedial Work
240.1500	Definitions		
EMERGENCY			
240.1610	Plugging Leaking or Abandoned Wells		
EMERGENCY			
240.1620	Plugging Orphaned Wells		
EMERGENCY			
240.1625	Plugging Abandoned Wells Through Landowner Grant		
EMERGENCY			
240.1630	Emergency Well Plugging, and Emergency Repair		
EMERGENCY			
240.1635	Emergency Well Plugging and Emergency Project Reimbursement		
EMERGENCY			
240.1640	Repayment of Funds		
EMERGENCY			

SUBPART O: ANNUAL WELL FEES

Section	Fee Liability
240.1700	Amount of Assessment
240.1705	Annual Permittee Reporting
240.1710	

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240.1720	When Fees are Due
240.1730	Opportunity to Contest Billing
240.1740	Delinquent Permittees

Section	Applicability	Permit Requirements in a Underground Gas Storage Field	And For Gas Storage and Observation Wells
240.1800	Definitions	Submission of Underground Gas Storage Field Map	
240.1805	Definitions	Permit Requests in a Underground Gas Storage Field	
240.1810	Definitions	Permit Requests for Permit to Drill or Convert Wells	
240.1820	Definitions	Content of Application for Permit to Drill or Convert to an	
240.1830	Definitions	Observation or Gas Storage Well	
240.1835	Definitions	Authority of Person Signing Application	
240.1840	Definitions	Issuance of Permit	
240.1850	Definitions	Gas Storage and Observation Well, Construction, Operating and	
240.1852	Definitions	Reporting Requirements	
240.1855	Definitions	Well Drilling Completion and Workover Requirements	
240.1860	Definitions	Storage Field Operating Requirements	
240.1865	Definitions	Liquid Oil Field Waste Disposal	
240.1870	Definitions	Plugging of Gas Storage and Observation Wells	

SUBPART S: REQUIREMENTS FOR SERVICE WELLS

Section	
240.1900	Applicability
240.1900	Application for Permit to Drill or Convert to Other Types of Wells or Drill Holes
240.1905	Contents of Application for Permit to Drill or Convert to a Service Well
240.1910	Authority of Person Signing Application
240.1920	Assurance of Permit
240.1930	Plugging and Department Notification
240.1940	Plugging and Restoration Requirements
240.1950	Converting to Water Well

AUTHORITY: Implementing and authorized by Sections 6 and 8a of the Illinois Oil and Gas Act [225 ILCS 725/6 and 8a].

SOURCE: Adopted November 7, 1951; emergency amendment at 6 p.m., Reg. 903, effective January 15, 1962, for a maximum of 150 days; amended at 6 p.m., Reg. 903, effective January 15, 1962; codified at 8 p.m., Reg. 2475; amended at 11 p.m., Reg. 25542, effective April 19, 1982; codified at 8 p.m., Reg. 2475; amended at 11 p.m., Reg. 2818, effective January 27, 1987; amended at 14 p.m., Reg. 2317, effective January 25, 1990; recodified at 14 p.m., Reg. 3053; amended at 14 p.m., Reg. 13620, effective August 8, 1990; amended at 14 p.m., Reg. 20427, effective January 1, 1991; amended at 15 p.m., Reg. 2706, effective January 31, 1991;

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- 9) Within 30 days after the close of the hearing record, the Hearing Officer shall issue proposed findings of fact, conclusions of law and recommendations as to the disposition of the case.
- 10) The Director shall review the administrative record in conjunction with the hearing officer's recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case. The Director shall then issue the Department's final administrative decision affirming, vacating or modifying the hearing officer's decision.
- c) Upon the issuance of a final administrative decision which finds that a well has been abandoned or is leaking salt water, oil, gas or other deleterious substances into any fresh water formation or onto the surface of the land, the permittee shall, within 30 days, properly plug, replug or repair the well so as to remedy the situation.
- d) If the permittee fails to remedy the situation within 30 days from the date of the order, the well shall be placed in the PRF program. ~~the Department may authorize any person to enter upon the land and plug, replug, or repair the well and restore the well site. The cost of all work completed under this subsection (d) shall be paid from the Annual Well Fee portion of the Plugging and Restoration Fund.~~
- e) The Department may authorize any person to enter upon the land and plug, replug, or repair the well and restore the well site. The Department may dispose of all well site equipment and hydrocarbons in accordance with Section 19.6 of the Illinois Oil and Gas Act as follows: public sale, auction, private sale, or by assignment or quit claim deed to a third party to offset plugging costs.
- f) Proceeds from any public sale, auction or private sale shall be deposited into the Plugging and Restoration Fund in accordance with Section 6(19) of the Illinois Oil and Gas Act or used to offset plugging costs.
- g) The cost of all work completed under this subsection shall be paid from the Annual Well Fee portion of the Plugging and Restoration Fund.

(Source: Emergency amendment at 22 Ill. Reg. 1.5 5, effective December 22, 1997, for a maximum of 150 days)

Section 240.1620 Plugging Orphaned Wells

EMERGENCY

- a) If upon review of Department records a determination is made that no permittee can be located, no bond exists and no fees have been paid in accordance with Section 19.7 of the Act, the well shall be deemed an orphaned well and placed in the PRF Program.
- b) The Department may elect to plug, replug or repair the well and/or restore the well site of any orphaned well. The Department may authorize any person to enter upon the land and plug, replug, and restore the well site. The Department may dispose of all well site equipment and hydrocarbons in accordance with Section 19.6 of the

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- Illinois Oil and Gas Act as follows: public sale, auction, private sale, or by assignment or quit claim deed to a third party to offset plugging costs.
- c) Proceeds from any public sale, auction or private sale shall be deposited into the Plugging and Restoration Fund in accordance with Section 6(19) of the Illinois Oil and Gas Act or used to offset plugging costs.
- d) If the Department determines that any condition or practice exists which creates an imminent danger to the health or safety of the public, or an imminent danger of significant environmental harm or significant damage to property, the Department or its agent may immediately take any action necessary to temporarily correct the source of oil, salt water, gas or other deleterious substances intrusion into fresh water zones or onto the surface.
- e) The cost of all work completed under this Section shall be paid from the bond forfeiture monies portion of the Plugging and Restoration Fund.

(Source: Emergency amendment at 22 Ill. Reg. 1.5 5, effective December 22, 1997, for a maximum of 150 days)

Section 240.1625 Plugging Abandoned Wells Through Landowner Grant

EMERGENCY

- a) The provisions of this Section apply to:
- 1) Wells determined to be abandoned in accordance with Subpart P of this Part and placed into the Department Plugging and Restoration Program pursuant to a final administrative decision of the Department.
 - 2) Abandoned wells may be eligible to be plugged under the landowner Grant Program upon application to the Department by the owner of the land surface on which a well(s) is located, provided that the land surface owner is not the current or a past permittee of the well(s).
- b) All wells plugged and well sites restored under this Section shall be completed in accordance with Subpart K.
- c) The number of wells plugged and expenditures made under this program are limited to the annual appropriation of funds to the Landowner Grant Program by the legislature.
- d) Each land surface owner is limited to receiving a grant amount for a maximum of 5 wells per fiscal year, unless available funds allow the Department to award increased grant amounts.
- e) During the first year of the program, grant applications shall only be accepted after December 22, 1997 and be processed in the order they are received until the appropriated funds have been allotted.
- f) Following the first year of the program, the Department shall only accept and process grant applications after April 1 for the coming fiscal year. Applications received before April 1 for the coming

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fiscal year shall be returned to the applicant for submission after April 1. Applications shall be accepted and processed until the allocated funds in the grant program have been awarded, after which time all unawarded grant applications shall be returned to the applicant. Applications shall be considered for funding each year in the order they were received after April 1. The exception will be if the Department determines a well is creating or has the potential to create environmental damage to surface waters or groundwater or poses an immediate danger to the health and safety of the public, the well may be given greater priority on the current year's plugging list.

- g) Grant applications shall contain at a minimum:
- 1) The land surface owner name, address and telephone number.
 - 2) The location of the well(s), with verification from Department well inspectors.
 - 3) An estimated salvage value of the well and well site equipment.
 - 4) The cost to plug the well and restore the well site.
 - 5) A signed contract between the land surface owner and plugging contractor on a form provided by the Department.
 - 6) A signed statement by the land surface owner that the applicant is the owner of the land surface, will be responsible for all costs of plugging the well and well site restoration in accordance with Department regulations, and indemnifies the Department from any liability relative to the plugging activity.

- h) Application Review and Approval
- 1) In determining the approval of the application the Department shall review:

- A) eligibility of the well to be plugged;
 - B) the reasonableness of the cost to plug the well;
 - C) the salvage value of the on-site equipment; and
 - D) the enforcement history of the proposed plugging contractor.
- 2) If the Department determines that a well is eligible for plugging the application is properly completed, the plugging cost and estimated salvage value are reasonable, the contractor has no unmet industry standards, and the plugging contractor has no unmet notices of violation of a substantial enforcement history of environmental related violations, the Department shall notify the landowner of the grant award.

- 3) Grant Award
- 1) The grant amount shall be the amount requested less the salvage value specified in the grant application or established by the Department during the grant review process.
 - 2) The land surface owner shall be notified of the grant award at which time the applicant shall have 10 working days to accept in writing by signing and returning the grant award document.
 - 3) Upon completion of the well plugging and site restoration approved by a well inspector, the Department shall forward the grant funds to the land surface owner. If the well plugging and

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NOTICE OF EMERGENCY AMENDMENT

site restoration is not approved, grant funds will not be awarded.

- 4) All well plugging and well site restoration activities shall be commenced within 120 days and shall be completed within 180 days after Department approval of the grant.

(Source: Emergency added at 22 Ill. Reg. _____, effective December 22, 1997, for a maximum of 150 days)

Section 240.1630 Emergency Well Plugging, and Emergency Repair Remedial Work, Emergency Projects

- a) If the Department determines that any condition or practice exists, or that any person or permittee is in violation of any requirement of the Act, this part or any permit condition, and this practice, condition or violation creates an imminent danger to the health or safety of the public or an imminent danger to the environment, the Department may order pursuant to Section 240.170 of this Part to the last known permittee of record. If the responsible party cannot be readily located or is no longer in existence, the Department is not required to issue a cessation order, and may take any action deemed necessary to correct the condition, and may take any action upon the expiration of time within which abatement was required under the cessation order, if issued, the Department may take any action, including well plugging, the well-end well site restoration, facility clean-up, or emergency clean up, deemed necessary to cause a cessation of the danger to the public health and safety or environmental harm and abatement of any condition.

- c) The cost of all emergency well plugging, and emergency repair remedial work and emergency clean up projects completed under this Section shall be paid from the Annual Well Fee portion of the plugging and Restoration Fund.

(Source: Emergency amendment at 22 Ill. Reg. _____, effective December 22, 1997, for a maximum of 150 days)

Section 240.1635 Emergency Well Plugging and Emergency Project Projects Reimbursement

- a) If the Department determines that any condition or practice exists, as specified in Section 240.1630 of this Part, which endangers the waters of the U.S. as a result of a crude oil spill or indicates the potential for a crude oil spill, in accordance with the Federal Oil Pollution Act of 1990 (OPA90), the Department may seek reimbursement of monies expended from the Plugging and Restoration Fund from activate

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the Federal Oil Pollution Act (OPA) Fund in accordance with USFPA guidelines.

- b) Reimbursement funds shall be deposited in the Plugging and Restoration Fund. The cost of all work completed under this Section shall be paid from the OPA--reimbursement portion of the Plugging and Restoration Fund:

(Source: Emergency amendment at 22 Ill. Reg. 608, effective December 22, 1997, for a maximum of 150 days)

Section 240.1640 Repayment of Funds
EMERGENCY

- a) The permittee must reimburse the Plugging and Restoration Fund for all funds obligated from the Plugging and Restoration Fund, excepting OPA reimbursed monies, for repair, plugging or restoration of clean-up work on the permittee's wells or sites, together with all interest accrued, as provided under Section 19.9 of the Act.
- b) Prior to repayment of all funds, the permittee shall not operate any other existing wells in the permittee's name.
- c) After repayment of all funds, the permittee shall post a bond in accordance with Section 240.1500(a)(1)(E) and (a)(2) for a period of 2 consecutive billing cycles in accordance with Section 240.1500(a)(3)(C) prior to permitting or operating any wells.

(Source: Emergency amendment at 22 Ill. Reg. 608, effective December 22, 1997, for a maximum of 150 days)

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- 1) Heading of the Part: Energy Assistance Charge
- 2) Code Citation: 86 Ill. Adm. Code 516
- 3) Section Numbers:
516.100 Emergency Action:
New Section
516.110 New Section
516.120 New Section
516.130 New Section
- 4) Statutory Authority: Energy Assistance Act of 1989, 305 ILCS 20/13
- 5) Effective Date of Rules: December 16, 1997
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed in Agency's principal office: December 16, 1997

8) Reason for Emergency: The provisions of 305 ILCS 20/13 were enacted into law on December 16, 1997 and are effective January 1, 1998. In order to implement and administer these provisions, rules are necessary to inform utilities and cooperatives of the requirements regarding the filing of returns and the election to impose the charge. Further, the provisions are intended to protect the health and welfare of Illinois citizens by providing funding for essential levels of heat and electric service to those in need of aid.

9) A Complete Description of the Subjects and Issues Involved: Provides that municipal electric utilities or electric cooperatives that make affirmative decisions to impose the Energy Assistance Charge shall inform the Department of Revenue in writing of that decision when they begin their imposition of the charge. Provides that monthly returns are due on or before the 20th day of the month following the month the Energy Assistance Charge was collected. Also sets forth the information required to be included on the return.

10) Are there any amendments to this Part pending: No

11) Statement of Statewide Policy Objectives: This emergency rulemaking neither imposes a State mandate, nor modifies an existing mandate.

12) Information and questions regarding this rulemaking shall be directed to:

Melanie Jarvis
Terry Charlton
Associate Counsels
Illinois Department of Revenue

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY RULEMAKING

Legal Services Office - Room 5-500
101 West Jefferson
Springfield, IL 62794
Phone: (217) 782-6996

The full text of the emergency rulemaking begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY RULEMAKING

TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUE

PART 516
ENERGY ASSISTANCE CHARGE

Section	Definitions
516.100	EMERGENCY
516.110	Nature of Energy Assistance Charge
516.120	Energy Assistance Charge Rates
516.130	Energy Assistance Charge Return
EMERGENCY	

AUTHORITY: Implementing the Energy Assistance Act of 1989 [305 ILCS 20/1].

SOURCE: Emergency rulemaking at 22 Ill. Reg. 10 6 8, effective December 16, 1997, for a maximum of 150 days.

Section 516.100 Definitions
EMERGENCY

For the purposes of this Part:

"non-residential electric service" means electric utility service which is not residential electric service; [305 ILCS 20/13]

"non-residential gas service" means gas utility service which is not residential gas service; [305 ILCS 20/13]

"residential electric service" means electric utility service for household purposes delivered to a dwelling of 2 or fewer units which is billed under a residential rate or electric utility service for household purposes delivered to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit; [305 ILCS 20/13]

"residential gas service" means gas utility service for household purposes distributed to a dwelling of 2 or fewer units which is billed under a residential rate, or gas utility service for household purposes distributed to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit. [305 ILCS 20/13]

Section 516.110 Nature of Energy Assistance Charge
EMERGENCY

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- a) Notwithstanding the provisions of Section 16-111 of the Public Utilities Act, each public utility, electric cooperative, as defined in Section 3.4 of the Public Utilities Act, and municipal utility, as defined in Section 3-106 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois shall, effective January 1, 1998, assess each of its customer accounts a monthly Energy Assistance Charge. [305 ILCS 20/13]
- b) However, the charges imposed by this Part shall only apply to customers of municipal electric utilities and electric cooperatives if the municipal electric utility or electric cooperative makes an affirmative decision to impose the charge. [305 ILCS 20/13]
- c) If a municipal electric utility or an electric cooperative makes an affirmative decision to impose the charge, such municipal electric utility or electric cooperative shall inform the Department of Revenue in writing of such decision when it begins to impose such charge.

Section 516.120 Energy Assistance Charge Rates

EMERGENCY

The Energy Assistance Charge shall be assessed monthly for each customer account as follows:

- \$0.40 per month on each account for residential electric service;
- \$0.40 per month on each account for residential gas service;
- \$4 per month on each account for non-residential electric service which had less than 10 megawatts of peak demand during the previous calendar year;
- \$4 per month on each account for non-residential gas service which had distributed to it less than 4,000,000 therms of gas during the previous calendar year;
- \$300 per month on each account for non-residential electric service which had 10 megawatts or greater of peak demand during the previous calendar year; and
- \$300 per month on each account for non-residential gas service which had 4,000,000 or more therms of gas distributed to it during the previous calendar year. [305 ILCS 20/13]

Section 516.130 Energy Assistance Charge Return

EMERGENCY

- a) The Energy Assistance Charges collected shall be paid to the Department of Revenue by the entities assessing this charge with a monthly return due on or before the 20th day of the month following the month in which the Energy Assistance Charges were collected.
- b) The return required to be filed under subsection (a) of this Section shall be signed and verified and contain all of the following information:

- 1) name of utility or cooperative;

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- 2) address of utility or cooperative;
- 3) Illinois Business Tax Number, Federal Employer Identification Number, or Registration Number;
- 4) total number of residential accounts for gas service, electric service, or both upon which the Energy Assistance Charge was collected;
- 5) total number of non-residential accounts for gas service which had less than 4 million therms of gas delivered during the previous calendar year upon which the Energy Assistance Charge was collected;
- 6) total number of non-residential accounts for gas service which had 4 million or more therms of gas delivered during the previous calendar year upon which the Energy Assistance Charge was collected;
- 7) total number of non-residential accounts for electric service which had less than 10 megawatts of peak demand during the previous calendar year upon which the Energy Assistance Charge was collected;
- 8) total number of non-residential accounts for electric service which had 10 megawatts or greater of peak demand during the previous calendar year upon which the Energy Assistance Charge was collected;
- 9) such other information as the Department of Revenue may reasonably require.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning interest rate information in the Illinois Register:

Name of Act: Uniform Penalty and Interest Act
Citation: 35 ILCS 735/3-1

2. Summary of information:

Section 3-2(a) of the Uniform Penalty and Interest Act provides that interest paid by the Department of Revenue and interest charged to taxpayers by the Department shall be paid at the annual rate determined by the Department. That rate is the underpayment rate established under Section 6621 of the Internal Revenue Code.

Section 3-2(b) of the UPTA states that the interest rate shall be adjusted on a semiannual basis, on January 1 and July 1, based upon the underpayment rate going into effect on that January 1 or July 1 under Section 6621 of the Internal Revenue Code.

Recently, in Revenue Ruling 97-53, the Internal Revenue Service announced that the underpayment rate will be 9% for the period beginning January 1, 1998. Therefore, the interest rate paid by the Illinois Department of Revenue and the interest rate charged to taxpayers by the Illinois Department of Revenue will be 9% from January 1, 1998 through June 30, 1998.

3. Name and address of person to contact concerning this information:

Keith Staats
Associate Chief Counsel (Income Tax)
Legal Services Office
Illinois Department of Revenue
101 W. Jefferson
Springfield, Illinois 62794
Phone: (217) 782-7955

STATE BOARD OF EDUCATION

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- ### 1) Heading of the Part: Private Business and Vocational Schools

2) Code Citation: 23 Ill. Adm. Code 451

3) Register Citation to Notice of Proposed Rules: 20 Ill. Reg. 15303;
December 5, 1997

4) Date, Time and Location of Public Hearing: January 28, 1998, from 1:30 to 4 p.m., James R. Thompson Building, 100 West Randolph, Conference Rooms A and B, Chicago, Illinois. The hearing will also be accessible on that date and time through teleconferencing at 100 North First Street, V-Tel Room, Third Floor, Springfield, Illinois.

Other Pertinent Information: Section 45.410(1)(1) now provides that private business and vocational schools that grant degrees in certain programs must employ faculty for those programs who hold a baccalaureate degree with a major in the subject area in which they will teach. The requirement of holding a baccalaureate degree, however, has caused problems for schools with programs for fields in which the primary mode of education is a combination of work experience and related training that results in less than a baccalaureate degree. Therefore, five alternatives are being added for those areas of study where the principal learning medium is work experience and/or related training. The results in less than a baccalaureate degree, but the other two would enable applicants to qualify to teach in a degree-granting program if otherwise qualified. Staff are not available.

Persons giving testimony are asked to provide two copies of their comments in writing to the State Board of Education staff at the time of testimony. Written comments should be limited to 10 pages.

DEPARTMENT ON AGING

JANUARY 1998 REGULATORY AGENDA

- a) Part(s) Heading and Code Citation: Elder Rights Program, 89 Ill. Adm. Code 270

1) Rulemaking:

A) A description of the rule(s):

This rulemaking describes the requirements of the Elder Abuse and Neglect Program. The rulemaking includes a description of the purpose and organization of the program, the responsibilities of the Department, the Regional Administrative Agencies and the Elder Abuse and Neglect Provider Agencies, the process of intake, classifying, substantiating and following up on a report, confidentiality and immunity and establishing and maintaining a case record.

B) Statutory Authority: 320 ILCS 20/1C) Scheduled meeting/hearing date:

The Department does not anticipate conducting public hearings on this rulemaking.

D) Date agency anticipates First Notice:

The Department anticipates First Notice after February 1998.

E) Affect on small businesses, small municipalities or not for profit corporations:

This rulemaking will affect only those not for profit corporations or units of local, county or municipal government which are designated elder abuse and neglect provider agencies.

F) Agency contact person for information:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue, #100
Springfield, Illinois 62701-1789
(217) 785-3346

G) Related rulemakings and other pertinent information: None

- b) Part(s) Heading and Code Citation: Community Care Program, 89 Ill. Adm. Code 240

DEPARTMENT ON AGING

JANUARY 1998 REGULATORY AGENDA

1) Rulemaking:

A) A description of the rule(s):

Rulemakings amend Sections 240.230; 240.260; 240.400; 240.1010; 240.1440s; 240.1500s; 240.1610; 240.1720; 240.1800; and 240.1930 for update and/or technical corrections.

B) Statutory Authority: 20 ILCS 105/4.01 (1)C) Scheduled meeting/hearing date:

The Department does not anticipate conducting public hearings on this rulemaking.

D) Date agency anticipates First Notice:

The Department anticipates First Notice during the period of time after January 1, 1998, but prior to June 30, 1998.

E) Affect on small businesses, small municipalities or not for profit corporations: None.F) Agency contact person for information:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue, #100
Springfield, Illinois 62701-1789
(217) 785-3346

G) Related rulemakings and other pertinent information:

The related rulemaking would occur only through cross-reference throughout the rulemaking.

OFFICE OF THE ATTORNEY GENERAL

JANUARY 1998 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Programmatic and Fiscal Requirements for Administering Funds Under the Violent Crime Assistance Act, 89 Ill. Adm. Code 1100

1) Rulemaking:

- A) Description: The proposed amendments to the rules are the result of the first comprehensive review since the inception of the Violent Crime Victims Assistance Program in 1985. Many changes reflect process issues that we have found to be unnecessary or possible to accomplish in other ways. Numerous language changes and additions have been made to clarify or further explain items. The new sections address types of victims service programs that have grown in number since the rules were written and now represent a significant portion of applicants and the inclusion of a section dealing with a fiscal situation that did not exist at the inception of the program. Numerous non-substantive, numerical, typographical, and statutory reference changes have also been made at this time.

Many items have been changed to eliminate issues or processes that our grantees found difficult to comply with or hard to implement. In the final form the rules now reflect the current standards and processes of the administration and monitoring of the Violent Crime Victims Assistance Program.

- B) Statutory Authority: 725 ILCS 240/1 et seq.

- C) Scheduled meeting/hearing date: None at this time.

- D) Date agency anticipates First Notice: January, 1998.

- E) Affect on small businesses, small municipalities or not-for-profit corporations: Would only affect those that provide services to victims of violent crime.

- F) Agency contact person for information:

Name: John Crain, Chief
Address: Budget/Fiscal Bureau
Office of Attorney General
500 South Second Street
Springfield, Illinois 62301
Telephone: 217/782-9058

- G) Related rulemakings and other pertinent information:

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Fourteen user agencies were contacted and provided a copy of the proposed rules. Written responses were received from three agencies; the general response was that these updates were welcome and much needed.

- b) Part(s) (Heading and Code Citation): Adoption of Rules & Regulations for the Illinois Estate and Generation-Skipping Transfer Tax Act, 86 Ill. Adm. Code 2000

1) Rulemaking:

- A) Description: The Illinois Estate and Generation-Skipping Transfer Tax Act was enacted effective January 1, 1983. Unlike the former Illinois Inheritance Tax Act, there is no manual to assist practitioners in the preparation of returns required to be filed under the Act. The proposed rules and regulations shall be predicated upon application of the principles contemplated by each section of the Act as it relates to the preparation and filing of returns, as well as, administration and enforcement of the Act. General. The rules and regulations are long overdue and shall be most welcomed by practitioners in light of the fact that the Act has been in existence for approximately fourteen (14) years without any guidance to practitioners other than the Act itself and the very brief instructions contained on the return.

- B) Statutory Authority: Implementing Section 6(f) and authorized by Section 16 of the Illinois Estate and Generation-Skipping Transfer Tax Act (35 ILCS 405/6(f) and 405/16).

- C) Scheduled meeting/hearing date: None at this time.

- D) Date agency anticipates First Notice: September 1, 1998.

- E) Affect on small businesses, small municipalities or not-for-profit corporations: None. The Illinois Estate and Generation-Skipping Transfer Tax is not being amended; rules and regulations are being proposed at this time regarding the mechanics of the Act to aid practitioners in the filing of returns and avoidance of penalty assessments.

- F) Agency contact person for information:

Name: James A. Flores, Bureau Chief
J. Jerome Sisul, Assistant Attorney General
Chicago Revenue Litigation Bureau

OFFICE OF THE ATTORNEY GENERAL
JANUARY 1998 REGULATORY AGENDA

Address: Office of the Attorney General
100 West Randolph Street, Room 13-196
Chicago, Illinois 60601
Telephone: 312/814-6153
Fax: 312/814-2549

- C) Related rulemakings and other pertinent information: The rules and regulations shall assist practitioners in the proper computation of tax, interest and penalties by providing examples based upon routine filings, as well as, conflicts resulting in litigation.

- c) Part(s) (Heading and Code Citation): Franchise Disclosure Act, 14 Ill. Adm. Code 200

1) Rulemaking:

- A) Description: Proposed franchise rules.

Section	Subject	Comments
116	"Franchise Broker"	Further clarifies definition of Act
117	"Cooperative"	Clarifies what happens if coop buys a franchise system
118	"Circular/ Prospectus"	Clarifies that these terms mean documents prepared in compliance with UFOC/FTC rules
201 (a)	Order of Exemption	Streamlines documentation + notifies franchisor to get order before selling
201 (b)	Exemption - In Public Interest	Amendment emphasizes importance of franchisor financial condition
201 (c)	Large Franchisee Exemption	Clarifies information necessary to qualify
201 (d)	Exempt Disclosure	Reminds exempt franchisors they still must disclose with UFOC
202 (b)	Isolated Transaction	Avoids technical violations by broker or franchisor as to broker registration or franchisor amendments
202 (c)	Affiliate Companies	Employees not brokers, but must file "salesperson disclosure form"
202 (d)	Franchise Trade Shows	Exempt from broker registration if fees were not based on sales

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202 (e)	Large Exemption	Experienced franchisors with net worth of \$5 million will be exempt; annual renewal
305 (a)	Filing of ad copy for review	Internet websites treated like national media. Ad copy need not be submitted before use, except for Interstate ads-- but websites still excluded
500	Financial Assurance	Amendment adds more financial assurance franchisor options for franchisor with negative equity
600 (a)(8)	Registration Documentation	Disclosure to be current within 120 days for registration. Updated information can be an exhibit to make preparation and compliance easier
603 (a)	Annual Report	Must be filed each year to continue registration, even if prior filing still has deficiencies that have not been cured
603 (a)(3)	Annual Report	Still requires amendments to be highlighted, but method left to franchisor. No longer requires red underlining, but must be "clearly marked"
604 (a)(1)	Amendment	Only amended pages need be submitted
610	Consolidated Review	Indicates Illinois' willingness to do cooperative audits with other states for benefit of franchisors and examiners. Filing dates would be adjusted by agreement of franchisor to allow for consolidated review
900 (f)	Broker Registration	Clarifies for brokers and franchisors when form must be filed and UFOC amended
900 (g)	Broker Registration	Simplifies broker registration-- will accept unaudited financials if broker will accept money on behalf of franchisor. Also can substitute surety bond or another person's Guaranty of Performance
200 Appen. B, Form Illus. B,	Broker Registration	Added third choice when indicating broker authority which says broker is not authorized to accept money for franchisor

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B) Statutory Authority: Franchise Disclosure Act, 815 ILCS 705/32.

C) Scheduled meeting/hearing date: A meeting of the Attorney General's Franchise Advisory Board may be held in September at the James R. Thompson Center, 100 West Randolph, Chicago on a date and in a room to be agreed upon.

D) Date agency anticipates First Notice: Notice of proposed rulemaking will be submitted in January 1998.

E) Affect on small businesses, small municipalities or not for profit corporations: The rule changes will affect small franchisor businesses, but should not affect not-for-profit corporations and will not affect small municipalities.

F) Agency contact person for information:

Name: Robert Mingler
 Franchise Bureau Chief
 Address: Office of the Attorney General
 100 W. Randolph Street, Rm. 12-178
 Chicago, Illinois 60601
 Telephone: 312/814-3892

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Immigration Services, 14 Ill. Adm. Code 485

1) Rulemaking: Proposed Rules

A) Description: Section 2AA of the Consumer Fraud and Deceptive Business Practices Act imposes various restrictions and requirements on persons who provide or offer to provide immigration assistance services, including requirements for registration and disclosure and limitations on services. It also directs the Attorney General to adopt rules that may provide for the form and content of required signs, standard forms and additional requirements.

This rulemaking will prescribe the form for registration statements and insurance or surety bond verification statements, establish maximum fees for services and the requirements for bonds and insurance, and add requirements relating to the cancellation of contracts and to signs and advertising. More specifically:

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Persons engaged in the provision of immigration assistance services will be required to submit proof of insurance or bonding in the amount of \$100,000.

Allowable fees will be limited to no more than \$5 per quarter hour for the performance of any of seven specified services. No attorney referral fees will be allowed. Notarization fees will be allowed as permitted by the Illinois Notary Public Act (5 ILCS 312), and reasonable fees not exceeding \$5 per classroom hour will be allowed for the provision of English and civics courses. The rules will also contain restrictions on charges for envelopes and pictures.

B) Statutory Authority: Implementing and authorized by section 2AA of the Consumer Fraud and Deceptive Business Practices Act (815 ILCS 505/2AA (West 1996))

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: January 30, 1998

E) Affect on small businesses, small municipalities or not for profit corporations: Small businesses and not-for-profit corporations that will be affected are those that provide immigration assistance services, including those that represent themselves to the public at large as "Notary Publics," primarily serve alien residents who speak little or no English, and have a very small staff (e.g., one to five employees). These businesses will likely offer to alien residents, or residents who speak little or no English, translation services as they relate to the completing of forms issued by the U.S. Immigration and Naturalization Service. Small municipalities should see no direct impact.

F) Agency contact person for information:

Name: Maggie Aguilar, Assistant Attorney General
 Address: Office of the Attorney General
 100 W. Randolph Street, Ste. 13-240
 Chicago, IL 60601
 Telephone: 312-814-3769

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES
REGULATORY AGENDA JANUARY 1998

- a) Part(s) (Heading and Code Citation): General Hunting and Trapping on Department-Owned or -Managed Sites; 17 Ill. Adm. Code 510

1) Rulemaking:

- A) Description: This Part outlines the general hunting regulations for the Department's species rules.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a28].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: January 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Jack Price
524 S. Second Street
Springfield, IL 62701
217/782-1809

- G) Related Rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Scientific Permits; 17 Ill. Adm. Code 520

1) Rulemaking:

- A) Description: This Part governs the taking and/or possession of Illinois fauna for scientific purposes and the issuance of said permits for such activities.

B) Statutory Authority: Implementing and authorized by Sections 1-120, 1-135, and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-135, 20-100] and Sections 2.2, 2.1, 2.4, 3.22, and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.1, 2.4, 3.22 and 3.36].

DEPARTMENT OF NATURAL RESOURCES
REGULATORY AGENDA JANUARY 1998

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: January 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Jack Price
524 S. Second Street
Springfield, IL 62701
217/782-1809

- G) Related Rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting; 17 Ill. Adm. Code 530

1) Rulemaking:

- A) Description: This Part outlines hunting regulations for these species.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27 and 3.29].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: February 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Jack Price
524 S. Second Street
Springfield, IL 62701
217/782-1809

- G) Related Rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Raccoon, Opossum, Striped Skunk, Red

DEPARTMENT OF NATURAL RESOURCES

REGULATORY AGENDA JANUARY 1998

Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting; 17 Ill. Adm. Code 550

1) Rulemaking:

- A) Description: This Part outlines the regulations for hunting of these species.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Jack Price
524 S. Second Street
Springfield, IL 62701
217/782-1809

- G) Related Rulemakings and other pertinent information: None

- e) Part(s) (Heading and Code Citation): Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping; 17 Ill. Adm. Code 570

1) Rulemaking:

- A) Description: This Part Outlines the regulations for trapping of these species.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: None

DEPARTMENT OF NATURAL RESOURCES

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Corporations: None

- F) Agency contact person for information:

Jack Price
524 S. Second Street
Springfield, IL 62701
217/782-1809

- G) Related Rulemakings and other pertinent information: None

- f) Part(s) (Heading and Code Citation): Duck, Goose and Coot Hunting; 17 Ill. Adm. Code 590

1) Rulemaking:

- A) Description: This Part outlines the regulations for duck, goose and coot hunting.

- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: April 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Jack Price
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217/782-1809

- G) Related Rulemakings and other pertinent information: None

- g) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Firearms; 17 Ill. Adm. Code 650

1) Rulemaking:

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A) Description: This Part outlines the hunting regulations for the taking of deer by firearms.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price
524 S. Second Street
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217/782-1809

G) Related Rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles; 17 Ill. Adm. Code 650

1) Rulemaking:

A) Description: This Part outlines the regulations for taking deer by use of muzzleloading rifles.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price
524 S. Second Street
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DEPARTMENT OF NATURAL RESOURCES
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G) Related Rulemakings and other pertinent information: None

1) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Bow and Arrow; 17 Ill. Adm. Code 670

1) Rulemaking:

A) Description: This Part outlines the regulations for archery hunting.

B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price
524 S. Second Street
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217/782-1809

G) Related Rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting Season by Use of Handguns; 17 Ill. Adm. Code 680

1) Rulemaking:

A) Description: This Part Outlines the regulations for the handgun hunting season.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

C) Scheduled meeting/hearing dates: None

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- D) Date agency anticipates First Notice: April 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
 Jack Price
 524 S. Second Street
 Springfield, IL 62701
 217/782-1809
- G) Related Rulemakings and other pertinent information: None

- K) Part(s) (Heading and Code Citation): Squirrel Hunting; 17 Ill. Adm. Code 690

1) Rulemaking:

- A) Description: This Part outlines squirrel hunting regulations.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: April 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
 Jack Price
 524 S. Second Street
 Springfield, IL 62701
 217/782-1809
- G) Related Rulemakings and other pertinent information: None
- 1) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys - Fall Gun Season; 17 Ill. Adm. Code 715

1) Rulemaking:

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- A) Description: This Part Outlines the regulations for hunting of wild turkeys - fall gun season.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: April 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
 Jack Price
 524 S. Second Street
 Springfield, IL 62701
 217/782-1809
- G) Related Rulemakings and other pertinent information: None

- m) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys - Fall Archery Season; 17 Ill. Adm. Code 720

1) Rulemaking:

- A) Description: This Part outlines the regulations for hunting of wild turkeys - fall archery season.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: April 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
 Jack Price
 524 S. Second Street
 Springfield, IL 62701

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- C) Related Rulemakings and other pertinent information: None

- n) Part(s) (Heading and Code Citation): Dove Hunting; 17 Ill. Adm. Code 730

1) Rulemaking:

- A) Description: This Part outlines the regulations for dove hunting.
B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5].

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: April 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Jack Price
524 S. Second Street
Springfield, IL 62701
217/782-1809

- G) Related Rulemakings and other pertinent information: None

- o) Part(s) (Heading and Code Citation): Crow, Woodcock, Snipe, Rail and Teal Hunting; 17 Ill. Adm. Code 740

1) Rulemaking:

- A) Description: This Part outlines the regulations for hunting migratory birds.

- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: April 1998

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- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Jack Price
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217/782-1809

- G) Related Rulemakings and other pertinent information: None

- p) Part(s) (Heading and Code Citation): Field Trails on Department-Owned or Managed Sites; 17 Ill. Adm. Code 910

1) Rulemaking:

- A) Description: This Part outlines the regulations for conducting field trials on Department-owned or managed sites.

- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.34, 3.1 and 3.5]

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: January 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Jack Price
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217/782-1809

- G) Related Rulemakings and other pertinent information: None

- q) Part(s) (Heading and Code Citation): Conservation 2000 - Ecosystem Programs; 17 Ill. Adm. Code 1523

1) Rulemaking:

- A) Description: The Ecosystem Program was developed to establish and protect a system of representative, functioning ecosystems in both

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public and private ownership by providing incentives to landowners. This program provides technical and financial assistance to Ecosystem Partnerships, watershed-based coalitions of local and regional stakeholders who are cooperating to improve the natural resource base of the watersheds where they live, work, and play, while promoting compatible and sustainable economic activity.

- B) Statutory Authority: Implementing and authorized by Sections 5.400, 5.401, 8r-31, and 8.25g of the State Finance Act.

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: February 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Cindy Bushur-Hallam
524 S. Second Street
Springfield, IL 62701
217/782-1809

- G) Related Rulemakings and other pertinent information: None

- r) Part(s) (Heading and Code Citation): Surface Mined Land Conservation and Reclamation Act; 62 Ill. Adm. Code 300

- 1) Rulemaking:

- A) Description: Add language to implement additional blasting requirements near landfills.

- B) Statutory Authority: 225 ILCS 715

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: January 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Cindy Bushur-Hallam

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524 S. Second Street
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217/782-1809

- C) Related Rulemakings and other pertinent information: None

- s) Part(s) (Heading and Code Citation): Requirements for Permits for Special Categories of Mining; 62 Ill. Adm. Code 1785

- 1) Rulemaking:

- A) Description: Regulation change required by the Federal Office of Surface Mining to make Office of Mines and Minerals' regulations as effective as counterpart federal regulations.

- B) Statutory Authority: 225 ILCS 720

- C) Scheduled meeting/hearing dates: None

- D) Date agency anticipates First Notice: June 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Karen Jacobs
524 S. Second Street
Springfield, IL 62701
217/782-1809

- G) Related Rulemakings and other pertinent information: None

- t) Part(s) (Heading and Code Citation): Special Program Performance Standards -- Operations on Prime Farmland; 62 Ill. Adm. Code 1823

- 1) Rulemaking:

- A) Description: Regulation change required by the Federal Office of Surface Mining to make Office of Mines and Minerals' regulations as effective as counterpart federal regulations.

- B) Statutory Authority: 225 ILCS 720

- C) Scheduled meeting/hearing dates: None

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D) Date agency anticipates First Notice: June 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Karen Jacobs
524 S. Second Street
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217/782-1809

G) Related Rulemakings and other pertinent information: None

u) Part(s) (Heading and Code Citation): Permanent Program Performance Standards -- Surface Mining Activities; 62 Ill. Adm. Code 1816

1) Rulemaking:

A) Description: Add regulations required by the federal Office of Surface Mining to make Office of Mines and Minerals regulations as effective as counterpart federal regulations; add regulations to provide for a more efficient sampling procedure for tree sampling of large acreage; and correct typographical and grammatical errors.

B) Statutory Authority: 225 ILCS 720

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: June 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Karen Jacobs
524 S. Second Street
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217/782-1809

G) Related Rulemakings and other pertinent information: None

v) Part(s) (Heading and Code Citation): General Definitions; 62 Ill. Adm. Code 1701

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1) Rulemaking:

A) Description: Regulation change required by the Federal Office of Surface Mining to make the Office of Mines and Minerals' regulations as effective as counterpart federal regulations.

B) Statutory Authority: 225 ILCS 720

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: June 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Karen Jacobs
524 S. Second Street
Springfield, IL 62701
217/782-1809

G) Related Rulemakings and other pertinent information: None

w) Part(s) (Heading and Code Citation): Requirements for Permits and Permit Processing; 62 Ill. Adm. Code 1773

1) Rulemaking:

A) Description: Regulation change required by the Federal Office of Surface Mining to make the Office of Mines and Minerals' regulations as effective as counterpart federal regulations.

B) Statutory Authority: 225 ILCS 720

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: June 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Karen Jacobs
524 S. Second Street
Springfield, IL 62701

DEPARTMENT OF NATURAL RESOURCES
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- G) Related Rulemakings and other pertinent information: None
- x) Part(s) (Heading and Code Citation): Permanent Program Performance Standards - Underground Mining Operations; 62 Ill. Adm. Code 1817
- 1) Rulemaking:
- A) Description: Regulation change required by the federal Office of Surface Mining to make the Office of Mines and Minerals' regulations as effective as counterpart federal regulations; and correct typographical and grammatical errors.
- B) Statutory Authority: 225 ILCS 720
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: June 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Karen Jacobs
524 S. Second Street
Springfield, IL 62701
217/782-1809
- G) Related Rulemakings and other pertinent information: None
- y) Part(s) (Heading and Code Citation): Exemption for Coal Extraction Incidental to the Extraction of Other Minerals; 62 Ill. Adm. Code 1702
- 1) Rulemaking:
- A) Description: Change inaccurate agency address.
- B) Statutory Authority: 225 ILCS 720
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: June 1998
- E) Affect on small businesses, small municipalities or not for profit

DEPARTMENT OF NATURAL RESOURCES
REGULATORY AGENDA JANUARY 1998

corporations: None

- F) Agency contact person for information:
- Karen Jacobs
524 S. Second Street
Springfield, IL 62701
217/782-1809
- G) Related Rulemakings and other pertinent information: None
- z) Part(s) (Heading and Code Citation): Surface Mining Permit Application -- Minimum Requirements for Reclamation and Operation Plan; 62 Ill. Adm. Code 1780
- 1) Rulemaking:
- A) Description: Correct inaccurate agency address.
- B) Statutory Authority: 225 ILCS 720
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: June 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Karen Jacobs
524 S. Second Street
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217/782-1809
- G) Related Rulemakings and other pertinent information: None
- aa) Part(s) (Heading and Code Citation): Individual Civil Penalties; 62 Ill. Adm. Code 1846
- 1) Rulemaking:
- A) Description: Correct inaccurate agency address.
- B) Statutory Authority: 225 ILCS 720

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- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: June 1998
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Karen Jacobs
524 S. Second Street
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217/782-1809
- G) Related Rulemakings and other pertinent information: None
- bb) Part(s) (Heading and Code Citation): General Rules Relating to Procedure and Practice: 62 Ill. Adm. Code 1848

1) Rulemaking:

- A) Description: Correct inaccurate agency address.

B) Statutory Authority: 225 ILCS 720

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: June 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Karen Jacobs
524 S. Second Street
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217/782-1809

G) Related Rulemakings and other pertinent information: None

cc) Part(s) (Heading and Code Citation): Areas Designated by Act of Congress: 62 Ill. Adm. Code 1761

1) Rulemaking:

- A) Description: Correct references to repealed and incorrect

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regulations.

B) Statutory Authority: 225 ILCS 720

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: June 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Karen Jacobs
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Springfield, IL 62701
217/782-1809

G) Related Rulemakings and other pertinent information: None

dd) Part(s) (Heading and Code Citation): Small Operator Assistance: 62 Ill. Adm. Code 1795

1) Rulemaking:

- A) Description: Correct grammatical errors.

B) Statutory Authority: 225 ILCS 720

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: June 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Karen Jacobs
524 S. Second Street
Springfield, IL 62701
217/782-1809

G) Related Rulemakings and other pertinent information: None

ee) Part(s) (Heading and Code Citation): Revision; Renewal; and Transfer, Assignment, or Sale of Permit Rights: 62 Ill. Adm. Code 1774

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1) Rulemaking:

A) Description: Remove references to repealed regulations.

B) Statutory Authority: 225 ILCS 720

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: June 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Karen Jacobs
524 S. Second Street
Springfield, IL 62701
217/782-1809

G) Related Rulemakings and other pertinent information: None
ff) Part(s) (Heading and Code Citation): Training, Examination and Certification of Blasters; 62 Ill. Adm. 1850

1) Rulemaking:

A) Description: Correct typographical and grammatical errors.

B) Statutory Authority: 225 ILCS 720

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: June 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Karen Jacobs
524 S. Second Street
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217/782-1809

G) Related Rulemakings and other pertinent information: None

DEPARTMENT OF NUCLEAR SAFETY
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a) Part (Heading and Code Citation): Administrative Hearings, 32 Ill. Adm. Code 200

Rulemaking: Proposed Repealer

A) Description: The Department is proposing to repeal this Part and replace it with a new Part 200. The Department is taking this action because it has determined that the requirements currently codified at 32 Ill. Adm. Code 200 are no longer consistent with the requirements imposed by the Radiation Protection Act of 1990 as amended.

B) Statutory Authority: Implementing and authorized by Section 5-10(a)(1) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(1) and Section 18 of the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: July 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Rules of Practice in Administrative Hearings, 32 Ill. Adm. Code 200

Rulemaking: Proposed Rule

A) Description: This Part will replace the current Part 200. The Department is taking this action because it has determined that the requirements currently codified at 32 Ill. Adm. Code 200 are no longer consistent with the requirements imposed by the Radiation Protection Act of 1990 as amended.

B) Statutory Authority: Implementing and authorized by Section 5-10(a)(1) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(1) and

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Section 18 of the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: July 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): General Provisions, 32 Ill. Adm. Code 310

Rulemaking: Proposed Amendment

A) Description: The Department is amending the rule to change the title of the part to implement the agreement between the Department and the Joint Committee on Administrative Rules: add a definition of "Generally applicable environmental radiation standards" to satisfy the NRC's compatibility issue; implement statutory changes regarding criminal penalties and correct typographical errors.

B) Statutory Authority: Implementing and authorized by Section 38(b) of the Radiation Protection Act of 1990 [420 ILCS 40/38(b)] (see P.A. 90-275, effective July 30, 1997).

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: February 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety

DEPARTMENT OF NUCLEAR SAFETY
JANUARY 1998 REGULATORY AGENDA

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Springfield, IL 62704
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(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Registration of Radioactive Materials, Radiation Machines, and Radiation Installations, 32 Ill. Adm. Code 320

Rulemaking: Proposed Amendment

A) Description: The Department is proposing this amendment to implement statutory changes. This amendment will establish an annualized rate structure for the existing statutory registration fees.

B) Statutory Authority: Implementing and authorized by the Radiation Installation Act [420 ILCS 30] (see P.A. 90-391, effective August 10, 1997).

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: February 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
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Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Financial Surety Requirements, 32 Ill. Adm. Code 326

Rulemaking: Proposed Rule

A) Description: The Department is proposing this rulemaking in response to comments from the regulated community that the Department consider streamlining the licensing requirements for radioactive materials that were contained in 32 Ill. Adm. Code

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330. Requirements for establishment of financial surety to ensure licensees will have funds available to properly decontaminate facilities and dispose of radioactive material have been moved from Part 330 and modified to include more categories of licensees.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 (420 ILCS 40).

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: February 1998

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rulemaking may affect small businesses and not for profit corporations licensed to use radioactive material. Small municipalities, as defined in Section 100/1-80 of the IAPA, and government agencies will not be affected by this Part.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Manufacture and Distribution of Radioactive Material, 32 Ill. Adm. Code 327

Rulemaking: Proposed Rule

A) Description: The Department is proposing this rulemaking to streamline the licensing requirements for radioactive materials that were contained in 32 Ill. Adm. Code 330. This new Part describes procedures and special requirements for a specific license to manufacture, assemble, repair, import or distribute commodities, products, sealed sources or devices that are designed to contain radioactive material. This Part also describes the procedures and requirements for the issuance of safety evaluation sheets to licensees who manufacture or initially transfer sealed sources or devices containing sealed sources.

B) Statutory Authority: Implementing and authorized by the Radiation

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Protection Act of 1990 (420 ILCS 40).

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: February 1998

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rulemaking may affect small businesses and not for profit corporations if they choose to manufacture, assemble, repair, import or distribute small municipalities, products, sealed sources or devices that are designed to contain radioactive material. Small municipalities, as defined in Section 100/1-80 of the IAPA, and government agencies will not be affected by this Part.

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Exempt Radioactive Material, 32 Ill. Adm. Code 328

Rulemaking: Proposed Rule

A) Description: The Department is proposing this rulemaking to streamline the licensing requirements for radioactive materials that were contained in 32 Ill. Adm. Code 330. This new Part describes the conditions under which an individual will be considered exempt from the licensing requirements of 32 Ill. Adm. Code 330.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 (420 ILCS 40).

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: February 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

DEPARTMENT OF NUCLEAR SAFETY

JANUARY 1998 REGULATORY AGENDA

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: None

- h) Part (Heading and Code Citation): General Licenses for Radioactive Material, 32 Ill. Adm. Code 329

Rulemaking: Proposed Rule

- A) Description: The Department is proposing this rulemaking to streamline the licensing requirements for radioactive materials that were contained in 32 Ill. Adm. Code 330. This new Part provides for the issuance of a general license for possession and use of certain types and quantities of radioactive material.

- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 (420 ILCS 40).

- C) Scheduled meeting/hearing dates: None scheduled.

- D) Date agency anticipates First Notice: February 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: None

- i) Part (Heading and Code Citation): Specific Licenses for Radioactive Material, 32 Ill. Adm. Code 330

Rulemaking: Proposed Rule

- A) Description: The Department is proposing to repeal its current rules entitled "Licensing of Radioactive Material", 32 Ill. Adm.

DEPARTMENT OF NUCLEAR SAFETY

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Code 330, and replace it with this new rule. The Department is taking this action to streamline the licensing requirements for radioactive materials that were contained in 32 Ill. Adm. Code 330. This new Part establishes requirement for issuance of a license to possess and use radioactive material. This Part sets forth the requirement that no person shall receive, possess, use, manufacture, distribute, transfer, own or acquire radioactive material or devices or equipment utilizing or producing radioactive material except as authorized in a specific or general license issued pursuant to the requirements of this Part. This Part also prescribes the requirements for the issuance of specific licenses of broad scope for radioactive material and certain regulations governing holders of such licenses.

- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 (420 ILCS 40).

- C) Scheduled meeting/hearing dates: None scheduled.

- D) Date agency anticipates First Notice: February 1998

- E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rule may affect small businesses and not for profit corporations if they choose to manufacture sealed sources or devices. Small municipalities, as defined in Section 100/1-80 of the IAPA, and government agencies will not be affected by this Part.

- F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: None

- j) Part (Heading and Code Citation): Licensing of Radioactive Material, 32 Ill. Adm. Code 330

Rulemaking: Proposed Repealer

- A) Description: The Department is proposing to repeal this rule and replace it with a new rule. The Department is taking this action to streamline this Part by breaking it into separate parts which will benefit the regulated community. These Proposed New Parts are

DEPARTMENT OF NUCLEAR SAFETY

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as follows: (1) Part 326 - "Financial Surety Requirements"; (2) Part 327 - "Manufacture and Distribution of Radioactive Material"; (3) Part 328 - "Exempt Radioactive Material"; (4) Part 329 - "General Licenses for Radioactive Material"; and (5) Part 330 - "Specific Licenses for Radioactive Material".

- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 (420 ILCS 40).

- C) Scheduled meeting/hearing dates: None scheduled.

- D) Date agency anticipates First Notice: February 1998

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rule may affect small businesses and not for profit corporations if they choose to manufacture sealed sources or devices. Small municipalities, as defined in Section 100/1-80 of the IAPA, and government agencies will not be affected by this Part.

- F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: None

- k) Part (Heading and Code Citation): Fees for Radioactive Material Licenses, 32 Ill. Adm. Code 331

Rulemaking: Proposed Amendment

A) Description: The Department is proposing to amend this Part by repealing the current fee schedule, codified as Appendix D and replace it with a new fee schedule, which will be codified as Appendix F. This new Appendix will establish annual license fees to simplify budgeting for licensees and will stabilize the Department's revenue base. The Department is also proposing a new Appendix E to clarify the descriptions for categories of radioactive material licensees and registrants. In addition, the Department is proposing to charge fees for tracking certain large generally licensed devices. Finally, the Department is proposing to establish annual fees for licensees and registrants based on averages of actual time spent performing licensing and inspection

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activities for different categories of licensees.

- B) Statutory Authority: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 (420 ILCS 40/11).

- C) Scheduled meeting/hearing dates: None scheduled.

- D) Date agency anticipates First Notice: April 1998

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rule may affect small businesses that are licensed by the Department to possess, store, distribute, or dispose of radioactive material. Small municipalities, as defined in Section 100/1-80 of the IAPA, and not for profit corporations will not be affected by this amendment.

- F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: None

- l) Part (Heading and Code Citation): Fees for By-Product Material Licenses, 32 Ill. Adm. Code 334

Rulemaking: Proposed Amendment

A) Description: The Department is proposing this amendment to implement statutory changes regarding the payment and reimbursement of fees for by-product material licenses issued by the Department.

- B) Statutory Authority: Implementing and authorized by the Uranium and Thorium Mill Tailings Control Act (420 ILCS 42) (see P.A. 90-39, effective June 30, 1997).

- C) Scheduled meeting/hearing dates: None scheduled.

- D) Date agency anticipates First Notice: April 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

DEPARTMENT OF NUCLEAR SAFETY
JANUARY 1998 REGULATORY AGENDA

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citation): Radiation Inspectors and Inspections, 32 Ill. Adm. Code 410

Rulemaking: Proposed Amendments

A) Description: The Department is proposing this amendment to implement statutory changes. This amendment will: (1) establish an annualized rate structure for the existing statutory inspection fees; and (2) revise the Class A and Class C categories of radiation installations. Class A is being amended to remove language regarding the regulation of electron microscopes and Class C is being amended to include facilities with radiation therapy machines.

B) Statutory Authority: Implementing and authorized by Sections 5 and 25 of the Radiation Protection Act of 1990 [420 ILCS 40/5 and 25] (see P.A. 90-391, effective August 10, 1997).

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: April 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citation): - Registration of Radon Detection and

DEPARTMENT OF NUCLEAR SAFETY
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Mitigation Services, 32 Ill. Adm. Code 420

Rulemaking: Proposed Repealer

A) Description: The Department is proposing to repeal this Part and replace it with a new Part 422 which will reflect the requirements contained in the Radon Industry Licensing Act (P.A. 90-262).

B) Statutory Authority: Implementing and authorized by the Radon Testing Act [420 ILCS 45].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: February 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

o) Part (Heading and Code Citation): Licensing of Radon Detection and Mitigation Services, 32 Ill. Adm. Code 422

Rulemaking: Proposed Rule

A) Description: This proposed rule will replace an emergency rule and the rule entitled "Registration of Radon Detection and Mitigation Services", codified at 32 Ill. Adm. Code 420. The scope of the licensing program is intended to cover those who sell devices or perform services for compensation to detect the presence of radon, perform laboratory analysis or perform services to reduce the radon concentrations in the indoor atmosphere.

B) Statutory Authority: Implementing and authorized by the Radon Industry Licensing Act [420 ILCS 44] (see P.A. 90-262, effective July 30, 1997).

C) Scheduled meeting/hearing dates: None scheduled.

DEPARTMENT OF NUCLEAR SAFETY

JANUARY 1998 REGULATORY AGENDA

D) Date agency anticipates First Notice: February 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

P) Part (Heading and Code Citation): Volunteered Location(s) Procedures for Selecting a Site for the Development of a Low-Level Radioactive Waste Disposal Facility Licensing of Radon Detection and Mitigation Services, 32 Ill. Adm. Code 610

Rulemaking: Proposed Repealer

A) Description: The Department is proposing to repeal this Part since the provisions of this rule are obsolete and no longer reflect the requirements contained in the Low-Level Radioactive Waste Management Act as amended by P.A. 90-29.

B) Statutory Authority: Implementing and authorized by Section 10.2 of the Illinois Low-Level Radioactive Waste Management Act (420 ILCS 20/10.2).

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: February 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

DEPARTMENT OF NUCLEAR SAFETY

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G) Related rulemakings and other pertinent information: None

q) Part (Heading and Code Citation): Registration of Low-Level Radioactive Waste Generators, 32 Ill. Adm. Code 620

Rulemaking: Proposed Amendment

A) Description: The Department is proposing this amendment to eliminate unnecessary language, update statutory citations, and clarify the Department's enforcement options.

B) Statutory Authority: Implementing and authorized by Section 20/3 and 4 of the Illinois Low-Level Radioactive Waste Management Act (420 ILCS 42) (see P.A. 90-29, effective June 26, 1997).

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: June 1998

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Rose Miller
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9860 (voice)
(217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

PROPERTY TAX APPEAL BOARD

JANUARY 1998 REGULATORY AGENDA

- a) Parl (Heading and Code Citation): Practice and Procedure for Hearings Before the Property Tax Appeal Board, 86 Ill. Adm. Code 1910.

1) Rulemaking

- A) Description: The proposed rulemaking will revise Section 1910.50(c)(2) - Determination of Appealed Assessment. The proposed rulemaking will pertain to the Board's practice of considering evidence of three year county wide assessment levels, based on relevant sales certified by the Department of Revenue, where sufficient probative evidence is presented indicating the estimate of full market value of a property which is the subject of an appeal. The proposed rule will address the application of this practice to all Cook County appeals other than Class 2 property.

- B) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195

- C) Scheduled meeting/hearing date: Not yet determined

- D) Date agency anticipates First Notice: Not yet determined

- E) Effect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Name: James W. Chipman
Executive Director
Address: Property Tax Appeal Board
Rm. 402, Stratton Office Building
401 S. Spring St.
Springfield, Illinois 62706
Telephone: (217) 782-6076

- G) Related rulemaking and other pertinent information: none

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 16, 1997 through December 22, 1997 and have been scheduled for review by the Committee at its January 14, 1998 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
1/31/98	Department of Public Aid, Hospital Services (89 Ill Adm Code 148)	9/26/97 21 Ill Reg 13032	1/14/98
1/31/98	Department of Revenue, Retailers' Occupation Tax (86 Ill Adm Code 130)	10/17/97 21 Ill Reg 13788	1/14/98
2/1/98	Department of Natural Resources, Camping on Department of Natural Resources Properties (17 Ill Adm Code 130)	10/31/97 21 Ill Reg 14144	1/14/98

PROCLAMATIONS

97-672

CAPITAL DEVELOPMENT BOARD

Whereas, the Capital Development Board was created through Public Act 77-1995, signed July 10, 1972, taking over 197 construction projects overseen by the Illinois Building Authority, the Illinois School Building Commission and the Office of the Supervising Architect; and

Whereas, since that time, the Capital Development Board has awarded nearly 10,000 contracts totaling \$766 million to architects and engineers and more than 23,000 contracts totaling more than \$5.8 billion to construction firms; and

Whereas, the projects administered by the Capital Development Board have over the years created jobs for tens of thousands of workers in the Illinois construction trades and design industries; and

Whereas, the Capital Development Board has been an active partner with the construction and design industries, promoting the efficient and economic construction and rehabilitation of facilities in state government and the higher education community throughout Illinois; and

Whereas, the Capital Development Board is respected as a leader in fostering new standards for construction, encouraging staff development and promoting the exchange of information and ideas within the construction and design industries; and

Whereas, on December 4, 1997, the Capital Development Board was awarded the Lincoln Award for Business Excellence for its commitment to quality and performance throughout the agency; and

Whereas, the Capital Development Board and its employees are celebrating 25 years of successful management for state government at a Silver Anniversary Gala on December 5, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 5, 1997, as CAPITAL DEVELOPMENT DAY in Illinois in recognition of the agency's achievements and a quarter century of successful bidding for Illinois.

Issued by the Governor November 26, 1997.

Filed by the Secretary of State December 15, 1997.

97-673

GREEK AMERICAN NURSING HOME COMMITTEE DAY

Whereas, the Greek American Nursing Home Committee will sponsor the Poinsettia Ball on Sunday, December 7, 1997, at Bristol Court Banquets in Mount Prospect; and

Whereas, the chairpersons, Mary and William Kakavas, have announced that Gus Zografopoulos will be the Master of Ceremony; and

Whereas, Dr. Theodoros Kloutis, the President of the Greek American Nursing Home Committee, will introduce the speaker, Harry Mark Petrakis; and

Whereas, the mission of the Greek American Nursing Home Committee is to support the elderly in the Greek American community; and

Whereas, the Greek American Nursing Home Committee has purchased the property and is continuing to raise funds to build the Greek American Nursing Home;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

December 7, 1997, as GREEK AMERICAN NURSING HOME COMMITTEE DAY in Illinois.

Issued by the Governor November 26, 1997.

Filed by the Secretary of State December 15, 1997.

97-674

MICHAEL B. PHELPS DAY

Whereas, Michael Barrett Phelps has devoted his entire career to serving the citizens of Illinois and was one of 17 employees who, in 1973, eagerly joined a new state agency committed to improving quality of life for Illinois seniors; and

Whereas, this agency, the Illinois Department on Aging, has grown from its humble beginnings when it served a narrow group of older adults and functioned under a \$5 million budget to an agency with more than 100 full-time positions and over \$205 million in operating dollars; and

Whereas, this growth and success is due in large part to the efforts and contributions of Michael Phelps who had a lead role in establishing the Department's Planning and Service Areas, implementing programs, promoting services and hiring staff; and

Whereas, he served as Manager of the Division of Older American Services, Associate Director and, most recently, Assistant to the Director for Minority Affairs; and

Whereas, Michael Phelps has not only helped generations of older Illinoisans, but has made it a personal goal to help friends and co-workers, particularly minority employees, achieve career satisfaction and success, plus advancement to management positions; and

Whereas, Michael Phelps has maintained a lifelong attachment to his hometown, East St. Louis, and the people who live there and did strive to foster development and services for this area, while expanding efforts to help all Illinois minorities; and

Whereas, this commitment led to his role as Illinois Department on Aging liaison to the human services federation, established in the Grand Boulevard area of Chicago, where his contributions helped minority citizens find gainful employment, community pride and a new outlook on life; and

Whereas, Michael Phelps, who is admired for his generosity, kindness and sense of humor, has overcome personal obstacles and inspired others with his courage, determination and attitude;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 5, 1997, as MICHAEL B. PHELPS DAY in Illinois, and together with his family, colleagues and many friends ask you to join us in saluting this exceptional public servant and champion of Illinois seniors.

Issued by the Governor December 1, 1997.

Filed by the Secretary of State December 15, 1997.

97-675

SEED MONTH

Whereas, the abundance of Illinois crops relies on fertile soil, diligent farmers, and high-quality seeds; and

Whereas, to ensure that seeds are of the highest quality, there must be agricultural-minded seed producers, conscientious inspectors, skilled technicians, and concerned dealers; and

Whereas, agriculture and the seed industry significantly contribute to our state's economy with value-added products marketed throughout the world; and
 Whereas, the Bureau of Agricultural Products Inspection within the Illinois Department of Agriculture tests the purity and germination of seeds, validates the accuracy of product labels, and cooperates with the Illinois Crop Improvement Association, the state's official seed-certifying agency, an independent, nonprofit organization; and
 Whereas, in cooperation with educational and regulatory agencies, the Illinois Seed (Trade) Association has sustained an informed membership, the latest research developments, the production of high-quality seed, and has developed an effective seed program advocating pertinent legislation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1998 as **SEED MONTH** in Illinois in appreciation of the seed industry's contributions to supplying food and fiber to the world through the production of Illinois crops.

Issued by the Governor December 1, 1997.

Filed by the Secretary of State December 15, 1997.

97-676

DR. PATRICIA J. (JUAN) O'MORCHOE AND DR. CHARLES CHRISTOPHER CREIGH O'MORCHOE CONGRATULATED

Whereas, Dr. Patricia J. (Jean) O'Morchoe is Professor and Head of Pathology in the College of Medicine at the University of Illinois at Urbana-Champaign and is also Professor of Cell and Structural Biology; and
 Whereas, Dr. O'Morchoe was born in Halifax, England; and received her medical degree from Dublin University, Dublin, Ireland; and
 Whereas, Dr. O'Morchoe has been employed by the University of Illinois, where her husband, Christopher, was Regional Dean of the College of Medicine at Urbana-Champaign since 1984; and

Whereas, Dr. O'Morchoe has received many awards for her teaching and administrative skill such as the Raymond B. Allen Instructorship Award for Excellence in Teaching, the Golden Apple Award, the University of Illinois at Chicago Award for Excellence in Teaching and the Urbana Campus Boss of the Year Award from supervisory personnel at the University; and
 Whereas, the Veterans Affairs Medical Center, Danville, Illinois, and also at the University of Illinois at Urbana-Champaign, has named her as the recipient of the University of Illinois Medical Center's Distinguished Service Award; and
 Whereas, Dr. O'Morchoe and her husband, Dr. Charles Christopher Creigh O'Morchoe are the parents of two sons, Charles (Suan) of the Chicago area and David (Pat) of Poughkeepsie, Washington, and four grandchildren: Catherine, Brendan, Caitlin, and Christopher; and

Whereas, Dr. O'Morchoe and her husband will be retiring from the University of Illinois in August 1998; and
 Whereas, the M2 Class of 2000 at the University of Illinois College of Medicine wishes to express appreciation for Dr. O'Morchoe's teaching excellence and her outstanding and untiring commitment to their educational and emotional well-being;

Therefore, I, Jim Edgar, Governor of the State of Illinois, congratulate Dr. Patricia J. (Jean) O'Morchoe and Dr. Charles Christopher Creigh O'Morchoe on their retirement from the University of Illinois and wish them many more years of happiness.

Issued by the Governor December 2, 1997.
 Filed by the Secretary of State December 15, 1997.

97-677

DUANE P. CARLSON DAY

Whereas, Duane P. Carlson is retiring from the Illinois Department of Transportation after 35 years of service; and
 Whereas, Duane served as Area Operations Engineer, Bureau Chief of Maintenance, Assistant District Engineer, and other positions before being appointed as District One District Engineer in 1992; and

Whereas, Duane has been a major contributor in the rehabilitation and reconstruction projects on the Edens, Calumet, Eisenhower, O'Hare Freeway, Dan Ryan, Elgin-O'Hare and Kennedy Expressways; and
 Whereas, Duane Carlson has served the State of Illinois and its citizens faithfully and well for these many years;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 5, 1997, as **DUANE P. CARLSON DAY** in Illinois, and congratulate Mr. Carlson and wish him the best in his retirement.
 Issued by the Governor December 3, 1997.
 Filed by the Secretary of State December 15, 1997.

97-678

MRS. ELEANOR MURDOCK DAY

Whereas, 41 years ago, Eleanor Murdock began her career with the State of Illinois; and
 Whereas, 38 years ago, Eleanor Murdock began her career with the State of Illinois' Vocational Rehabilitation program as a rehabilitation counselor; and

Whereas, Eleanor Murdock was promoted to the position of Rehabilitation Services Supervisor; and
 Whereas, Eleanor Murdock was promoted to the position of Regional Administrator; and

Whereas, Eleanor Murdock was appointed to the position of Associate Director; and
 Whereas, Eleanor Murdock was named as the Assistant Administrator of Vocational Rehabilitation; and

Whereas, Eleanor Murdock served Illinois' citizens with disabilities with dignity, respect and fairness; and
 Whereas, Eleanor Murdock provided leadership and compassion to her fellow employees;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 31, 1997, as **MRS. ELEANOR MURDOCK DAY** in honor of her retirement from the State of Illinois.

Issued by the Governor December 3, 1997.
 Filed by the Secretary of State December 15, 1997.

97-679

PEARL HARBOR REMEMBRANCE DAY

Whereas, on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl

Harbor, Hawaii; and

Whereas, more than 2,000 citizens of the United States were killed and more than 1,000 citizens of the United States were wounded in the attack on Pearl Harbor; and

Whereas, the attack on Pearl Harbor marked the entry of the United States of America into World War II; and

Whereas, the veterans of World War II and all other people of the United States commemorate December 7 in remembrance of the attack on Pearl Harbor; and

Whereas, commemoration of the attack on Pearl Harbor will fulfill the wishes of the United States for a greater understanding and appreciation of the selfless sacrifice of the men and women who served in the Armed Forces of the United States during World War II;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 7, 1997, as PEARL HARBOR REMEMBRANCE DAY in Illinois and call upon the people of our state to observe this solemn occasion with appropriate ceremonies.

Issued by the Governor December 4, 1997.

Filed by the Secretary of State December 15, 1997.

97-680

TIE ONE ON - RED RIBBON CAMPAIGN MONTH

Whereas, drunk drivers cause millions of dollars of damage and immeasurable amounts of personal pain and suffering throughout the country including the State of Illinois; and

Whereas, during the upcoming holiday season, there will be an increased opportunity for drinking and driving; and

Whereas, "Tie One On - Red Ribbon Campaign" is a nationwide project of Mothers Against Drunk Driving in which motorists are asked to attach a red ribbon on to their automobile as a visual reminder to not drink and drive; and

Whereas, local chapters of Mothers Against Drunk Driving and MADD-Illinois are sponsoring "Tie One On - Red Ribbon Campaign" in an attempt to reduce the number of drunk drivers in the State of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 1, 1997-January 1, 1998, as TIE ONE ON - RED RIBBON CAMPAIGN MONTH in Illinois.

Issued by the Governor December 4, 1997.

Filed by the Secretary of State December 15, 1997.

97-681

COMMUNITY BANKING WEEK

Whereas, for more than a century, Illinois' community banks have acted as the community partner for local business, industry and individuals as well; and

Whereas, the Community Bankers Association of Illinois is celebrating its 24th year of serving Illinois community banks; and

Whereas, more than 900 locally owned and operated community banks and thrifts with more than 2,000 banking offices in Illinois have upheld a tradition to give back to their communities; and

Whereas, Illinois community banks employ more than 20,000 workers and serve more than 2 million account holders conscientiously and competitively;

Whereas, on the average, more than 95 percent of a community bank's loan portfolio is reinvested in the local area as farm, commercial and residential loans;

Whereas, Illinois community banks are among the safest and most well-capitalized banks in the nation. In recognition of their contribution to the economic vitality of the State of Illinois and their continuing dedication to fulfilling the credit needs of citizens throughout the state, the Community Bankers Association of Illinois will celebrate Illinois Community Banking Week from April 26 - May 2, 1998;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 26-May 2, 1998, as COMMUNITY BANKING WEEK in Illinois.

Issued by the Governor December 9, 1997.

Filed by the Secretary of State December 15, 1997.

97-682

NORWEGIAN AMERICAN DAYS

Whereas, in recognition of a strong business relationship between Illinois and Norway, a delegation of the Norwegian American Chamber of Commerce will participate in the 5th annual Christmas business trip to Norway in December 1997; and

Whereas, in honor of the Millennium Celebration for the City of Trondheim, Norway, the Mayor of Trondheim will host a dinner reception for members of the Norwegian American Chamber of Commerce on December 12, 1997; and

Whereas, the dinner reception will be held at the Erkebispegarden, a former provincial palace and now a city museum; and

Whereas, immigrants who graduated from Norwegian University of Science and Technology in Trondheim contribute much to Illinois; and

Whereas, the Norwegian University of Science and Technology trained engineers who helped to construct the St. Lawrence Seaway and the Great Lakes; and

Whereas, the Norwegian American community of Illinois contributes to all areas of life including education, arts, medicine, business, and science;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 11-15, 1997, as NORWEGIAN AMERICAN DAYS in Illinois.

Issued by the Governor December 9, 1997.

Filed by the Secretary of State December 15, 1997.

97-683

SNOWMOBILE SAFETY AWARENESS WEEK

Whereas, the family sport of snowmobiling is enjoyed by more than 100,000 men, women, and children in Illinois; and

Whereas, snowmobiling represents a facet within Illinois' winter tourism industry contributing to the state's economy with 58,500 registered snowmobiles; and

Whereas, thousands of dedicated snowmobile club members volunteer their efforts each year to maintaining the 1,500 miles of snowmobile trails enjoyed by many diverse winter recreationists, including cross-country skiers, mushers, and snowmobile enthusiasts; and

Whereas, the Illinois Association of Snowmobile Clubs and the Illinois Department of Natural Resources have joined together to educate the

ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

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MAIL TO:

GEORGE H. RYAN
SECRETARY OF STATE
INDEX DEPARTMENT
111 E. MONROE
SPRINGFIELD, IL 62756

OR FAX: (217) 854-0308

